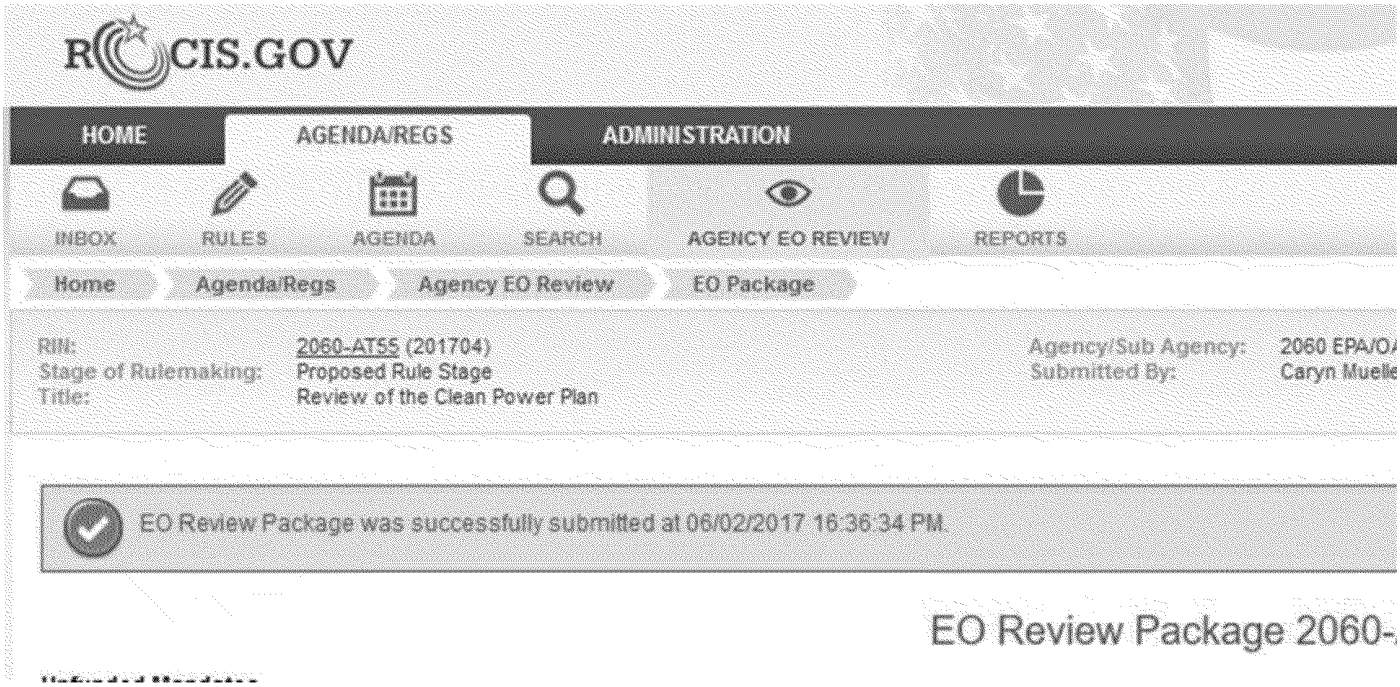
To: OAQPS SPPD[OAQPS_SPPD@epa.gov]
From: Conner, Lisa
Sent: Thur 4/27/2017 7:26:33 PM
Subject: Transition Update (SPPD All-Hands 4-2017).pptx
Transition Update (SPPD All-Hands 4-2017).pptx
List of 13777 Projects (002).docx

Thank you for the engaging discussion today about transition activities. Attached are the slides discussed at the All-Hands meeting. The summary of public comments at the OAR session and the DoC session are attached at the end of the presentation. Also attached are the potential actions OAQPS is considering as response to 13777. Please note this list is draft and items can be added or removed prior to May 15. SPPD actions begin on page 21.

To: Dunham, Sarah[Dunham.Sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Harvey, Reid[Harvey.Reid@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Owens, Nicole
Sent: Fri 6/2/2017 8:42:13 PM
Subject: RE: For review: latest drafts of the CPP documents

This has been uploaded into ROCIS.



From: Dunham, Sarah
Sent: Friday, June 02, 2017 2:51 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika

<Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Subject: RE: For review: latest drafts of the CPP documents

Okay—we now have what we need and folks are putting the pieces together -- we will send to OP the final package as quickly as we possibly can.

From: Gunasekara, Mandy
Sent: Friday, June 02, 2017 2:46 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Subject: Re: For review: latest drafts of the CPP documents

Yes- send send send.

Sent from my iPhone

On Jun 2, 2017, at 2:29 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

All:

Attached are the final edits from the political team. Please use this version, and send the final package up to OP as soon as possible.

Thanks for all your work.

Best,

Samantha

From: Schmidt, Lorie
Sent: Friday, June 02, 2017 12:27 PM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: For review: latest drafts of the CPP documents

I am not sure who has the pen on the document right now and who is accepting or rejecting OGC's line edits. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Schwab, Justin
Sent: Friday, June 02, 2017 11:57 AM
To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: For review: latest drafts of the CPP documents

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jun 2, 2017, at 11:55 AM, Schmidt, Lorie <Schmidt.Lorie@epa.gov> wrote:

Ex. 5 - Deliberative Process

let us know if you need more.

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Schmidt, Lorie
Sent: Friday, June 02, 2017 11:09 AM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>
Subject: Re: For review: latest drafts of the CPP documents

Working on it now.

Sent from my iPhone

On Jun 2, 2017, at 10:53 AM, Rees, Sarah <rees.sarah@epa.gov> wrote:

We are ready to send on our end whenever you get the package to us.

From: Gunasekara, Mandy
Sent: Friday, June 02, 2017 10:31 AM
To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin

<schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>
Subject: Re: For review: latest drafts of the CPP documents

I talked to Justin about these issues and **Ex. 5 - Deliberative Process** Once that is done, let's send this to OMB.

Sent from my iPhone

On Jun 2, 2017, at 9:53 AM, Schmidt, Lorie <Schmidt.Lorie@epa.gov> wrote:

Schmidt, Lorie has shared a OneDrive for Business file with you. To view it, click the link below.
<image00001.png>CPP Repeal Proposal.FR Notice.5.31.17.docx

Ex. 5 - Deliberative Process

Thanks,

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy
Sent: Wednesday, May 31, 2017 1:04 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Cc: Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>
Subject: RE: For review: latest drafts of the CPP documents

The attached includes my edits (tracked changes starting page 5). Please incorporate these into the final version.

From: Dunham, Sarah
Sent: Wednesday, May 31, 2017 12:01 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>;

Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Cc: Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>
Subject: RE: For review: latest drafts of the CPP documents

Thank you Mandy—What you laid out below is consistent with how we are proceeding.

For a little more context on the work that is ongoing, OAR and OP have been working together on both documents:

- OAR will have completed edits to the RIA to send back to OP by COB today.

- OAR has further edits we are making to the Executive Order sections of the preamble per comments from OP, we expect those sections of the preamble will need some further back and forth tomorrow with OP and OGC but that should be wrapped up in time to go to OMB on Friday.

From: Gunasekara, Mandy
Sent: Wednesday, May 31, 2017 10:18 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Cc: Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: For review: latest drafts of the CPP documents

I'd like to make sure we are all on the same page regarding CPP. This is my understanding of the status. Please let me know if any of this needs modification:

Ex. 5 - Deliberative Process

Best,

Mandy

From: Lewis, Josh
Sent: Friday, May 26, 2017 3:00 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Cc: Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: For review: latest drafts of the CPP documents

Attached are the latest drafts of the CPP Rescission Notice Preamble and the RIA. Sarah and others in OAR are still reviewing one/both of these, but we wanted you to have the latest drafts before the long weekend.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We anticipate having the next draft of the RIA ready by COB Wednesday, pending comments received from this review.

Josh

<CPP Repeal Proposal.FR Notice.6.2.2017-Dravis Edits.docx>

To: Rush, Alan[Rush.Alan@epa.gov]
Cc: Iglesias, Amber[Iglesias.Amber@epa.gov]; Henigin, Mary[Henigin.Mary@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]
From: Eck, Janet
Sent: Fri 6/2/2017 7:32:18 PM
Subject: CPP Repeal OMB Pkg
CPP Repeal Post-It Note.pdf
Comm Plan CPP-draft Jun1.docx
CPP Repeal OMB_Transmittal Memo.docx
EO12866_CPP Repeal 2060-AT55 Proposal RIA_20170602.docx
EO12866_CPP Repeal 2060-AT55 Proposal RIA Spreadsheet_20170602.xlsx
EO12866_CPP Repeal 2060-AT55 Proposal_20170602.docx
CPP Repeal Action Memo 060217docx mk.docx

Hi Alan, Attached is the Repeal of Carbon Dioxide Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units (SAN 5548.7) for OMB review. Please forward to OP for upload into ROCIS. Thanks.

To: Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Wayland, Richard[Wayland.Richard@epa.gov]
Cc: Culligan, Kevin[Culligan.Kevin@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Wood, Anna[Wood.Anna@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]
From: Kornylak, Vera S.
Sent: Thur 6/1/2017 5:42:46 PM
Subject: Draft Dept. of Commerce Report
DRAFT_Regulatory Reform Report_24 1235 May.pdf

Hi Peter, Erika, Mike, and Chet:

Attached is the close hold not-yet-released draft report from the Dept. of Commerce permit streamlining process that was sent to the President. We are expecting this to be released this week and expect it to be released publicly. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Thanks to Darryl and Kevin for helping to prepare comments back to OP on earlier drafts of this report.

Vera

Vera Kornylak || Senior Policy Advisor

Air Quality Policy Division || OAQPS

919-541-4067 || kornylak.vera@epa.gov

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To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Tsirigotis, Peter
Sent: Fri 5/19/2017 4:23:14 PM
Subject: Fwd: CPP

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: May 18, 2017 at 6:58:41 PM EDT
To: "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Page, Steve" <Page.Steve@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>
Subject: Re: CPP

Hi Samantha-

Thanks for clarifying the expectations from OMB. Most of these points seem straightforward and we will begin crafting the RIA. Our teams have already been working together and we appreciate the help from NCEE. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks again for the further direction, as well as all the assistance from NCEE.

Ex. 5 - Deliberative Process

Thanks,

Sarah

On May 17, 2017, at 12:40 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Sarah,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you for your help with this and please be in touch if you have questions.

Best,

Samantha

To: Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; French, Chuck[French.Chuck@epa.gov]
Cc: OAQPS SPPD GL[OAQPS_SPPD_GL@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]
From: Conner, Lisa
Sent: Wed 5/17/2017 1:52:22 PM
Subject: FW: OAR submission to EPA's Regulatory Reform Task Force per EO 13777
Transcript of EPA Office of Air and Radiation Stakeholder Conference Cal....pdf
OAR Memo Executive Order 13777 FINAL_5_15_17.pdf

FYI… As discussed in the staff meeting yesterday, attached are the documents that OAR sent forward in response to EO 13777.

To: Koerber, Mike[Koerber.Mike@epa.gov]
Cc: McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Conner, Lisa
Sent: Fri 5/12/2017 5:39:25 PM
Subject: OAR Memo Executive Order 13777. 05112017 5 pm.docx
OAR Memo Executive Order 13777. 05112017 5 pm.docx

Hi Mike,

SPPD offers one suggested edit to the memo. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Further review and consideration is necessary before we determine the best action to take.

To: Thompson, Fred[Thompson.Fred@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]
Cc: Culligan, Kevin[Culligan.Kevin@epa.gov]; French, Chuck[French.Chuck@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]
From: Conner, Lisa
Sent: Fri 5/12/2017 4:17:46 PM
Subject: FW: FYI - Latest draft of OAR's response to E.O. 13777
OAR Memo Executive Order 13777. 05112017 5 pm.docx

Hi Peter and Fred:

Attached is the final draft of the OAR memo for the EO13777 Task Force. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Koerber, Mike
Sent: Friday, May 12, 2017 9:31 AM
To: Hemby, James <Hemby.James@epa.gov>; Bunte, Laura <Bunte.Laura@epa.gov>; Keating, Martha <keating.martha@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Conner, Lisa <Conner.Lisa@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Bremer, Kristen <Bremer.Kristen@epa.gov>; Whitlow, Jeff <Whitlow.Jeff@epa.gov>
Cc: South, Peter <South.Peter@epa.gov>
Subject: FW: FYI - Latest draft of OAR's response to E.O. 13777

Here is the near final OAR draft. Take a look and let me know today (by 2 pm) if you have any comments.

From: Lewis, Josh
Sent: Thursday, May 11, 2017 5:11 PM
To: Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: FYI - Latest draft of OAR's response to E.O. 13777

Thanks to you and your offices for the time already spent gathering information and reviewing drafts of our response to E.O. 13777. The attached version reflects the latest comments we have

received (as of 4 pm today) and is the version Sarah will be reviewing tonight.

The plan is to circulate an updated version by COB tomorrow that reflects Sarah's edits and any additional edits Carissa and I receive from you or your staff. And that will give us all of Monday to do any final editing before submitting to OP by COB Monday.

Josh Lewis

Chief of Staff

EPA/Office of Air and Radiation

Office: 202 564 2095

Cell: 202 329 2291

Docket Creation Request Form			
Requestor Name	Elyse Steiner	Date	6/9/17

Instructions: To request a new docket, fill out fields below. **The starred (*) fields are required**. You must include a Docket Point of Contact for this docket.

- If you would like additional users to have access to your docket in FDMS, fill in that section at the top of page 2. For NPL dockets, complete the NPL Section at the bottom of page 2.
- After completing this form, save and email it to your Docket Manager. The Docket Manager will create the docket in FDMS and email you the new docket number. You can find contact information for EPA Headquarters Docket Managers at http://intranet.epa.gov/fdmsinfo/contact.html

*	Will this Docket have a Federal Register?			
*	Docket Title	Repeal of Carbon Dioxide Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units		
	Short Title	Clean Power Plan Repeal		
*	Description	The EPA is proposing to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (EGUs), commonly referred to as the Clean Power Plan, as promulgated October 23, 2015.		
*	Docket Type	Rulemaking		
	Rulemaking Subtypes	Choose an item.	Non-Rulemaking Subtypes	Choose an item.
*	Location	HQ-OAR		
*	Docket Phase	Proposed Rule		
*	Regulatory Information Number (RIN)	2060-AT55		
	Keywords (including any Chemical Names) *[48 character limit per keyword]*	Electric Utility Generating Units (EGUs), Clean Power Plan, Carbon Dioxide		
	Legacy ID Number			
	Rule Writer Name (must be registered in FDMS)			
	Do you want to allow Late Comments through Regulations.gov?			
	Estimated Publication Date			

Docket Point of Contact			Viewable on Regs.gov
*	Name		
*	Title		
*	Email Address		

*	Phone Number		

Give the following additional FDMS users permission to access this docket (must have FDMS account)	
Name	Contractor? (Y/N)

Related Dockets? (List Docket IDs for any Related Dockets here)
EPA–HQ–OAR–2013–0602

National Priorities List (NPL) Section (for Superfund Dockets)			
Site Name	Region, City & State	Site Manager Name	Telephone Number

To: Eck, Janet[Eck.Janet@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Steiner, Elyse
Sent: Wed 5/10/2017 5:07:43 PM
Subject: Steiner, Elyse has shared 'DRAFT CPP Repeal OMB_Transmittal Memo'

Just in case you need access.

Open DRAFT CPP Repeal OMB_Transmittal Memo.docx

See more related to Steiner, Elyse in Delve.

Get the SharePoint mobile app!

To: Eck, Janet[Eck.Janet@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Steiner, Elyse
Sent: Wed 5/10/2017 5:07:14 PM
Subject: Steiner, Elyse has shared 'DRAFT CPP Repeal Action Memo 042717'

Just in case you need access.

Open DRAFT CPP Repeal Action Memo 042717.docx

See more related to Steiner, Elyse in Delve.

Get the SharePoint mobile app!

To: OAQPS SPPD GL[OAQPS_SPPD_GL@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]
From: Conner, Lisa
Sent: Mon 5/8/2017 6:28:15 PM
Subject: FW: Draft OAR input to Task Force
OAR memo re Executive Order 13777.docx
Attachment 3 - oaqps version 2.0.docx

Peter and the Management Team:

As an FYI mostly, please see the attached draft memo and attachment #3 that will go to the EPA Task Force established under EO13777. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process No other deregulatory actions from our Division are included in this round.

This version includes OAQPS' input to the memo for the most part (and not OTAQs and Indoor Air/Radiation). There are two bins of deregulatory actions noted in attachment 3, but the definitions for each bin is not clear. As best as I can tell, bin 2 actions will be offered if necessary, but may be held until a later date if that is best. OIAI is in Bin 2.

I think the memo is self-explanatory. However, if needed, I've also included the emails below to explain a little more about the process in getting to the draft memo and its attachments.

If you have any comments or suggested edits, please send them to me and Marguerite ASAP. Our deadline is COB today to send changes to Mike Koerber. Thanks.

From: Koerber, Mike
Sent: Monday, May 08, 2017 1:58 PM
To: Henigin, Mary <Henigin.Mary@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Bunte, Laura <Bunte.Laura@epa.gov>; Keating, Martha <keating.martha@epa.gov>; Hemby, James <Hemby.James@epa.gov>; Conner, Lisa <Conner.Lisa@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: FW: Reg Reform Discussion at today's SCOUT Meeting

Attached please find a draft list of OAQPS rules/actions for Appendix #3 based on an initial discussion with Steve. These have tentatively been put into two bins, because we aren't sure how many we need to submit. Your comments on the items, including wording changes, and the binning would be appreciated by noon Tuesday. Let me know if you have any questions.

Mike

From: Henigin, Mary
Sent: Thursday, April 27, 2017 1:25 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Reg Reform Discussion at today's SCOUT Meeting

Jenny and Mike, notes from SCOUT meeting regarding reg reform response – led by Josh and Carissa - our response is due to Sarah's office May 9th cob. See attached for reference to notes below.

Ex. 5 - Deliberative Process

Section 1 is a list a rules that are being reviewed as a result of executive orders.

Please make sections 1-3 are accurate as possible

Section 2 is a list of burden reducing rules that we are currently working on

Section 3 is a list of items currently in litigation

Section 4 is a list of additional items

Ex. 5 - Deliberative Process

Thank you

Mary

From: Cyran, Carissa
Sent: Thursday, April 27, 2017 11:19 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Perez, Idalia <Perez.Idalia@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; VonDemHagen, Rebecca <VonDemHagen.Rebecca@epa.gov>; Morris, Joseph <Morris.Joseph@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Welderufael, Miriam <welderufael.miriam@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis,

Josh <Lewis.Josh@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: FW: OAR Actions Weekly Meeting Conference Line: Ex. 6 - Personal Privacy Conference Code: Ex. 6 - Personal Privacy

I've attached for our discussion a draft template for the recommendation memo we put forward for EO 13777.

To: Rush, Alan[Rush.Alan@epa.gov]
Cc: Iglesias, Amber[Iglesias.Amber@epa.gov]; Henigin, Mary[Henigin.Mary@epa.gov]; Barnett, Keith[Barnett.Keith@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Lassiter, Penny[Lassiter.Penny@epa.gov]; Schell, Bob[Schell.Bob@epa.gov]; Conner, Lisa[Conner.Lisa@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]
From: Eck, Janet
Sent: Mon 5/8/2017 5:24:33 PM
Subject: FW: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Draft Redline EPA Agenda Entries-OMB.docx

Hi Alan, Attached is the Reg Agenda Galleys w/SPPD comments inserted. Please provide these updates to OP. Edits can be found on pages 14, 36, 38, 53, 54, 56, 58, 59, 60, 71, 72, 78, 97, 99, 100, 110, 117, 118, 119, 120, 121, 130, 131, 146, 147, 149, and 150. Thanks.

From: Rush, Alan
Sent: Thursday, May 04, 2017 4:47 PM
To: Brown, Kelly <Brown.Kelly@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>; Long, Pam <Long.Pam@epa.gov>
Cc: Henigin, Mary <Henigin.Mary@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>
Subject: FW: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Importance: High

Reg Team,

The Reg Agenda Galleys are back from OMB and Ex. 5 - Deliberative Process But, if we have updates or edits to our entries we need to have them back to me by mid-day on Monday so that I can get them to OAR and on to OP by COB.

Thanks,

Alan

From: Eagles, Tom

Sent: Thursday, May 04, 2017 4:11 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>
Subject: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Importance: High

From: Muellerleile, Caryn
Sent: Wednesday, May 03, 2017 10:31 AM
To: Farrar, Wanda <farrar.wanda@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Williams, Pat <Williams.Pat@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: Reg Agenda review from OMB - fast turnaround (responses and other edits due NOON Thurs 5/4)
Importance: High

We did not receive comments on the FY17 and FY18 regulatory/deregulatory cost spreadsheets. See attached for (few) comments on the Agenda itself. Note below which agenda entries (not page numbers) your office should review.

ORD – 92

OCSPP – 98, 110, 112, 119, 123, 130

OW – 160, 163, 167, 170, 185

Caryn Muellerleile

Regulatory Management Division

Office of Policy

US Environmental Protection Agency

1200 Pennsylvania Ave NW (1803A)

Washington, DC 20460

(202) 564-2855

muellerleile.caryn@epa.gov

To: OAQPS SPPD[OAQPS_SPPD@epa.gov]
From: Eck, Janet
Sent: Fri 5/5/2017 8:20:44 PM
Subject: FW: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Draft Redline EPA Agenda Entries-OMB.docx

Attached is the Reg Agenda Galley back from OMB. Ex. 5 - Deliberative Process if you see any corrections or needed updates, please let me know by noon Monday. Sorry for the short turn-around. Thanks.

From: Rush, Alan
Sent: Thursday, May 04, 2017 4:47 PM
To: Brown, Kelly <Brown.Kelly@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>; Long, Pam <Long.Pam@epa.gov>
Cc: Henigin, Mary <Henigin.Mary@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>
Subject: FW: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Importance: High

Reg Team,

The Reg Agenda Galleys are back from OMB Ex. 5 - Deliberative Process But, if we have updates or edits to our entries we need to have them back to me by mid-day on Monday so that I can get them to OAR and on to OP by COB.

Thanks,

Alan

From: Eagles, Tom
Sent: Thursday, May 04, 2017 4:11 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>
Subject: OMB comments on Reg Agenda Ex. 5 - Deliberative Process
Importance: High

From: Muellerleile, Caryn
Sent: Wednesday, May 03, 2017 10:31 AM
To: Farrar, Wanda <farrar.wanda@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Williams, Pat <Williams.Pat@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: Reg Agenda review from OMB - fast turnaround (responses and other edits due NOON Thurs 5/4)
Importance: High

Ex. 5 - Deliberative Process

See attached for (few) comments on the Agenda itself. Note below which agenda entries (not page numbers) your office should review.

ORD – 92

OCSPP – 98, 110, 112, 119, 123, 130

OW – 160, 163, 167, 170, 185

Caryn Muellerleile

Regulatory Management Division

Office of Policy

US Environmental Protection Agency

1200 Pennsylvania Ave NW (1803A)

Washington, DC 20460

(202) 564-2855

muellerleile.caryn@epa.gov

To: Mroz, Jessica[mroz.jessica@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Harvey, Reid[Harvey.Reid@epa.gov]; Meroney, William[Meroney.William@epa.gov]; Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]; Santiago, Juan[Santiago.Juan@epa.gov]; Mulholland, Denise[Mulholland.Denise@epa.gov]; Vijayan, Abi[Vijayan.Abi@epa.gov]; Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Snyder, Carolyn[Snyder.Carolyn@epa.gov]; Rosenberg, Julie[Rosenberg.Julie@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]
Cc: Shoaff, John[Shoaff.John@epa.gov]
From: Stenhouse, Jeb
Sent: Thur 5/4/2017 3:20:34 PM
Subject: RE: Meeting with FERC & DOE

Hi Jessica, for our part we'd be happy to give a CSAPR update if/when such a call is organized. As for OAP/CAMD attendees for DOE-FERC-EPA calls, you've got us on this email: Jeb Stenhouse, Bill Meroney, and Mikhail "Misha" Adamantiades.

Sincerely,

Jeb Stenhouse

Chief of Program Development

Clean Air Markets Division

US EPA

202-343-9781

stenhouse.jeb@epa.gov

From: Mroz, Jessica
Sent: Wednesday, May 03, 2017 1:44 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Meroney, William <Meroney.William@epa.gov>; Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Mulholland, Denise <Mulholland.Denise@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Snyder, Carolyn <Snyder.Carolyn@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Rosenberg, Julie <Rosenberg.Julie@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>
Cc: Shoaff, John <Shoaff.John@epa.gov>
Subject: Meeting with FERC & DOE

Good Afternoon,

It appears as if there is some interest to re-engage in a dialogue with DOE and FERC regarding power sector issues. The last time this group met was in December, and although we assumed it would be reconvening sooner to discuss CPP, there may still be some information worth mentioning.

While substantive updates on rules are not likely, we can at least share information about what is happening internally. I have outlined some of the topics that we could discuss, in terms of recent history and what the agency has done.

Potential DOE/FERC/EPA Meeting Agenda Items for EPA:

- Update on the state of affairs within EPA with regard to the recent Executive Orders

  - GHG Rules on EGUs (Kevin Culligan)

  - MATS (Nick Hutson? Or if we'd prefer someone in the room, Kevin offered to speak on this as well)

  - CSAPR - We could have someone give an update, or just have a few folks in the room to answer questions if they come up.

If folks are amenable to such a meeting, we are aiming to schedule within the next month or two. Please let me know if you'd like to listen in, share information on the call, or if you think there are additional topics EPA should discuss.

Best,
Jessie

Jessica C. Mroz

Environmental Protection Specialist/ Presidential Management Fellow

U.S. Environmental Protection Agency

Office of Air and Radiation | Office of Air Policy and Program Support

Telephone: (202) 564-1094

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Harvey, Reid[Harvey.Reid@epa.gov]; Meroney, William[Meroney.William@epa.gov]; Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]; Santiago, Juan[Santiago.Juan@epa.gov]; Mulholland, Denise[Mulholland.Denise@epa.gov]; Vijayan, Abi[Vijayan.Abi@epa.gov]; Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Snyder, Carolyn[Snyder.Carolyn@epa.gov]; Stenhouse, Jeb[Stenhouse.Jeb@epa.gov]; Rosenberg, Julie[Rosenberg.Julie@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]
Cc: Shoaff, John[Shoaff.John@epa.gov]
From: Mroz, Jessica
Sent: Wed 5/3/2017 5:44:14 PM
Subject: Meeting with FERC & DOE

Good Afternoon,

It appears as if there is some interest to re-engage in a dialogue with DOE and FERC regarding power sector issues. The last time this group met was in December, and although we assumed it would be reconvening sooner to discuss CPP, there may still be some information worth mentioning.

While substantive updates on rules are not likely, we can at least share information about what is happening internally. I have outlined some of the topics that we could discuss, in terms of recent history and what the agency has done.

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- Update on the state of affairs within EPA with regard to the recent Executive Orders

  - GHG Rules on EGUs (Kevin Culligan)

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Best,
Jessie

Jessica C. Mroz

Environmental Protection Specialist/ Presidential Management Fellow

U.S. Environmental Protection Agency

Office of Air and Radiation | Office of Air Policy and Program Support

Telephone: (202) 564-1094

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Steiner, Elyse
Sent: Wed 5/3/2017 5:32:39 PM
Subject: RE: What went forward
DRAFT CPP Repeal OMB_Transmittal Memo.docx

Draft OMB Transmittal Memo attached.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:11 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Subject: What went forward

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:01 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: CPP NPR and cost memo

Mike,

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo.

With regards to the NPR there are several things worth highlighting:

1. This version works off of the version Lori Schmidt provided you via e-mail at 4:27 PM on Friday April 27 (based on discussions with OGC yesterday they indicated this was the best version to work off of.

2. Our edits address several things:

Ex. 5 - Deliberative Process

- Kevin

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Steiner, Elyse
Sent: Tue 5/2/2017 5:48:34 PM
Subject: RE: What went forward
DRAFT CPP Repeal Action Memo 042717.docx

Draft Action Memo is attached. A number of gaps to be filled in—tiering, concurrence, stakeholder involvement, etc.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:11 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Subject: What went forward

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:01 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: CPP NPR and cost memo

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Attached are the current version of the CPP rescission NPR and accompanying cost savings memo.

With regards to the NPR there are several things worth highlighting:

1. This version works off of the version Lori Schmidt provided you via e-mail at 4:27 PM on Friday April 27 (based on discussions with OGC yesterday they indicated this was the best version to work off of.

2. Our edits address several things:

Ex. 5 - Deliberative Process

- Kevin

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]; Fellner, Christian[Fellner.Christian@epa.gov]; Ashley, John[ashley.john@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]
Cc: Bremer, Kristen[Bremer.Kristen@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]
From: Ashley, Jackie
Sent: Mon 5/1/2017 12:50:19 PM
Subject: CPP archive -- EPA Kicks Off Updates to Website

Good morning. The web site was changed on Friday evening and the 111(b) and (d) content was archived. Should you need to find it, the archived web content is available at https://19january2017snapshot.epa.gov/cleanpowerplan_.html

---

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: "U.S. EPA Media Relations" <noreply-subscriptions@epa.gov>
Date: April 28, 2017 at 7:08:08 PM EDT
To:
Subject: EPA Kicks Off Updates to Website

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
April 28, 2017

EPA Kicks Off Website Updates

WASHINGTON – EPA.gov, the webpage for the United States Environmental Protection Agency, is undergoing changes that reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt. The process, which involves updating language to reflect the approach of new leadership, is intended to ensure that the public can use the website to understand the agency's current efforts. The changes will comply with agency ethics and legal guidance, including the use of proper archiving procedures. For instance, a screenshot of the last administration's website will remain available from the main page.

"As EPA renews its commitment to human health and clean air, land, and water, our website needs to reflect the views of the leadership of the agency," said J.P. Freire, Associate Administrator for Public Affairs. "We want to eliminate confusion by removing outdated language first and making room to discuss how we're protecting the environment and human health by partnering with states and working within the law."

The first page to be updated is a page reflecting President Trump's Executive Order on Energy

Independence, which calls for a review of the so-called Clean Power Plan. Language associated with the Clean Power Plan, written by the last administration, is out-of-date. Similarly, content related to climate and regulation is also under review.

R066

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Tsirigotis, Peter
Sent: Fri 4/28/2017 9:36:57 PM
Subject: Fwd: CPP NPR and cost memo
cost_memo_draft_042817.docx
ATT00001.htm
CPP Proposal.FR Notice.4.21.17.draft.docx
ATT00002.htm

FYI

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: April 28, 2017 at 5:27:44 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>, "Zenick, Elliott" <Zenick.Elliott@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>, "Reeves, Sarah" <reeves.sarah@epa.gov>
Cc: "Page, Steve" <Page.Steve@epa.gov>, "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Koerber, Mike" <Koerber.Mike@epa.gov>
Subject: CPP NPR and cost memo

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo. With regards to the NPR, we worked off a version Lorie sent to us yesterday afternoon (via e-mail at 4:27 PM on Thursday April 27). There are several things worth highlighting:

1. Our edits address several things:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The attached cost savings memo has been reviewed by OAR and OP staff.

Comments, further direction on timing, and specific direction on any of the items mentioned above (or not mentioned above) are very welcome.

To: Sasser, Erika[Sasser.Erika@epa.gov]
Cc: Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; South, Peter[South.Peter@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]
From: Koerber, Mike
Sent: Fri 4/28/2017 8:22:24 PM
Subject: Re: CPP NPR and cost memo

Thank you. I let Josh know and said we are awaiting Sarah's okay.

Sent from my iPhone

On Apr 28, 2017, at 4:10 PM, Sasser, Erika <Sasser.Erika@epa.gov> wrote:

Darryl has circled back with OP on this version of the cost memo, and we think they are all fine with it, so no need for the extra explanation. We should be good to go on that piece, pending Sarah D's feedback, but please do copy Al.

thanks

From: Koerber, Mike
Sent: Friday, April 28, 2017 4:02 PM
To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Cc: South, Peter <South.Peter@epa.gov>
Subject: Fwd: CPP NPR and cost memo

Are you okay with this?

Sent from my iPhone

Begin forwarded message:

From: "Lewis, Josh" <Lewis.Josh@epa.gov>
Date: April 28, 2017 at 3:59:07 PM EDT
To: "Koerber, Mike" <Koerber.Mike@epa.gov>
Cc: "Cyran, Carissa" <Cyran.Carissa@epa.gov>
Subject: RE: CPP NPR and cost memo

Thanks. So this seems to imply OP (at the Al level) hasn't seen this version of the cost

memo? If that's the case, how's this for a plan:

You (or Kevin) send the two pieces to Al, Sarah Rees, Lorie S., and Elliott, w/ a cc to Sarah D., along with the NPR summary below, and an equivalent summary of the cost memo (using your note immediately below as the basis).

Call if you'd like to discuss.

From: Koerber, Mike
Sent: Friday, April 28, 2017 3:16 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: CPP NPR and cost memo

Ex. 5 - Deliberative Process

From: Koerber, Mike
Sent: Friday, April 28, 2017 3:04 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: FW: CPP NPR and cost memo

Josh – Here are the two pieces we discussed. Please share with Sarah and let me know

about next steps. Thank you.

Mike

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:01 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: CPP NPR and cost memo

Mike,

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo.

With regards to the NPR there are several things worth highlighting:

1. This version works off of the version Lori Schmidt provided you via e-mail at 4:27 PM on Friday April 27 (based on discussions with OGC yesterday they indicated this was the best version to work off of.

2. Our edits address several things:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- Kevin

To: BECKHAM, LISA[BECKHAM.LISA@EPA.GOV]; BANDROWSKI, MIKE[Bandrowski.Mike@epa.gov]; Behan, Frank[Behan.Frank@epa.gov]; Bertram, Gary[Bertram.Gary@epa.gov]; Blais, Gary[Blais.Gary@epa.gov]; Campbell, Jean[Campbell.Jean@epa.gov]; Au, Doreen[Au.Doreen@epa.gov]; Barrett, Richard[barrett.richard@epa.gov]; Baumgart-Getz, Adam[Baumgart-Getz.Adam@epa.gov]; Bird, Patrick[Bird.Patrick@epa.gov]; Blake, Wendy[Blake.Wendy@epa.gov]; Boyce, Kenneth[boyce.kenneth@epa.gov]; Buenning, Hans[Buenning.Hans@epa.gov]; Chappell, Regina[Chappell.Regina@epa.gov]; Chew, Andrew[Chew.Andrew@epa.gov]; Cole, David[Cole.David@epa.gov]; Colon, Toni[Colon.Toni@epa.gov]; Crystal, Roy[crystal.roy@epa.gov]; Damico, Genevieve[damico.genevieve@epa.gov]; Dholakia, Umesh[Dholakia.Umesh@epa.gov]; Doolan, Stephanie[Doolan.Stephanie@epa.gov]; duke, gerallyn[duke.gerallyn@epa.gov]; Edwards, Chebryll[Edwards.Chebryll@epa.gov]; Eisele, Adam[Eisele.Adam@epa.gov]; Epps-Price, Lena[Epps-Price.Lena@epa.gov]; Frantz, George[Frantz.George@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Ghaffari, Mozafar[Ghaffari.Mozafar@epa.gov]; Hall, Kristen[hall.kristen@epa.gov]; Igoe, Sheila[Igoe.Sheila@epa.gov]; Kelly, Shaheerah[Kelly.Shaheerah@epa.gov]; Lancey, Susan[lancey.susan@epa.gov]; Leung, Chao[Leung.Chao@epa.gov]; Mckelvey, Laura[Mckelvey.Laura@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; North, Alexis[North.Alexis@epa.gov]; Olson, Kyle[Olson.Kyle@epa.gov]; Ostrand, Laurie[Ostrand.Laurie@epa.gov]; Page, Lee[Page.Lee@epa.gov]; pandya, perry[pandya.perry@epa.gov]; Payne, Melissa[Payne.Melissa@epa.gov]; Russo, Todd[Russo.Todd@epa.gov]; Sager, John[Sager.John@epa.gov]; Sieffert, Margaret[Sieffert.Margaret@epa.gov]; Smuts, MaryBeth[Smuts.Marybeth@epa.gov]; Stewart, Kathleen[Stewart.Kathleen@epa.gov]; Throwe, Scott[Throwe.Scott@epa.gov]; Trine, Rae[trine.rae@epa.gov]; Valenziano, Beth[valenziano.beth@epa.gov]; Versace, Paul[Versace.Paul@epa.gov]; Wagner, William[wagner.william@epa.gov]; Ward, Ingrid[Ward.Ingrid@epa.gov]; Webber, Robert[Webber.Robert@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Werner, Leslye[Werner.Leslye@epa.gov]; Whitlow, Jeff[Whitlow.Jeff@epa.gov]; Wilson, Holly[Wilson.Holly@epa.gov]; Zuco, Arthur[Zuco.Arthur@epa.gov]; Morimoto, Kaoru[Morimoto.Kaoru@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Johnson, Mary[Johnson.Mary@epa.gov]; Ayres, Sara[Ayres.Sara@epa.gov]; Jackson, Scott[Jackson.Scott@epa.gov]; Marcus, Danny[marcus.danny@epa.gov]; Rineheart, Rachel[Rineheart.Rachel@epa.gov]; Darrow, Jennifer[darrow.jennifer@epa.gov]; Aquitania, Manny[Aquitania.Manny@epa.gov]; Chalmers, ray[chalmers.ray@epa.gov]; Wayland, Robertj[Wayland.Robertj@epa.gov]; Schell, Bob[Schell.Bob@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Lassiter, Penny[Lassiter.Penny@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Conner, Lisa[Conner.Lisa@epa.gov]; Barnett, Keith[Barnett.Keith@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Law, Nicole[Law.Nicole@epa.gov]; Kinard, Sherrie[Kinard.Sherrie@epa.gov]; Cain, Alexis[cain.alexis@epa.gov]; Godfrey, Janice[Godfrey.Janice@epa.gov]; Mulrine, Phil[Mulrine.Phil@epa.gov]; Rodman, Sonja[Rodman.Sonja@epa.gov]; Gallagher, Bob[Gallagher.Bob@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Brachtl, Megan[Brachtl.Megan@epa.gov]; South, Mia[South.Mia@epa.gov]; Yellin, Patrick[Yellin.Patrick@epa.gov]; Kurlansky, Ellen[Kurlansky.Ellen@epa.gov]; Diem, Art[Diem.Art@epa.gov]; Castro, Grecia[Castro.Grecia@epa.gov]; Chow, Alice[chow.alice@epa.gov]; Gross-Davis, CarolAnn[Gross-Davis.CarolAnn@epa.gov]; Torres, Elineth[Torres.Elineth@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Vasu, Amy[Vasu.Amy@epa.gov]; Fairchild, Susan[Fairchild.Susan@epa.gov]; King, Melanie[King.Melanie@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Sanchez, Rafael[Sanchez.Rafael@epa.gov]; Aldridge, Amanda[Aldridge.Amanda@epa.gov]; Warner, Maryann[Warner.Maryann@epa.gov]; Owens, Katharine[Owens.Katharine@epa.gov]; Caparoso, Jennifer[Caparoso.Jennifer@epa.gov]; Shine, Brenda[Shine.Brenda@epa.gov]; Mills, Kathy[Mills.Kathy@epa.gov]; Shrager, Brian[Shrager.Brian@epa.gov]; augustine, bruce[augustine.bruce@epa.gov]; Vazquez, Natalia[Vazquez.Natalia@epa.gov]; Shappley, Ned[Shappley.Ned@epa.gov]; Tong,

Stanley[Tong.Stanley@epa.gov]; Strine, Lora[Strine.Lora@epa.gov]; Schulingkamp, Joseph[Schulingkamp.Joseph@epa.gov]; Chen, Eugene[Chen.Eugene@epa.gov]; Maurin, Lawrence[Maurin.Lawrence@epa.gov]; Harvey, Lornette[Harvey.Lornette@epa.gov]; Ackerman, Charmagne[Ackerman.Charmagne@epa.gov]; Eddinger, Jim[Eddinger.Jim@epa.gov]; Willard, Erin[Willard.ErinM@epa.gov]; Storey, Brian[storey.brian@epa.gov]; Smith, Korbin[smith.korbin@epa.gov]; Copland, Rick[Copland.Rick@epa.gov]; Dickerson, Phil[Dickerson.Phil@epa.gov]; Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]; Costa, Allison[Costa.Allison@epa.gov]
Cc: Johnson, Tanya[Johnson.Tanya@epa.gov]; Whitmore, Scott[Whitmore.Scott@epa.gov]; Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Patel, Ketan[Patel.Ketan@epa.gov]
From: Pemberton, Wanda
Sent: Fri 4/28/2017 8:09:19 PM
Subject: 2017 Quarterly RATC: April Meeting Notes
2017 Quarterly RATC Call Meeting Notes April.docx
Regulatory Updates Apr 2017.docx
EPA Questions on PCS Geismar Monitoring.pdf

Good Afternoon!

The following documents have been attached for your information and reading pleasure:

- Call/Meeting Minutes
- PCS/Geismar Monitoring Questions, provided by Susan Fairchild
- Regulatory Updates, provided by Janet Eck (these updates were also attached to your meeting scheduler)

Please feel free to reach out to the respective contacts if more clarity is needed. Hope you have a wonderful weekend!

Wanda P.

++

Wanda H. Pemberton, MBA | Program Development Specialist | Sector Policies and Programs Division | Immediate Office | Mail Code D205-02 | Office of Air Quality Planning and Standards | U. S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919-541-0829 | Fax: 919-541-4991 | Email: pemberton.wanda@epa.gov

"Not everything that is faced can be changed, but nothing can be changed until it is faced." James Baldwin

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From: Pemberton, Wanda
Sent: Thursday, December 22, 2016 10:40 AM
To: BECKHAM, LISA; BANDROWSKI, MIKE; Behan, Frank; Bertram, Gary; Blais, Gary; Campbell, Jean; Au, Doreen; Barrett, Richard; Baumgart-Getz, Adam; Bird, Patrick; Blake, Wendy; Boyce, Kenneth; Buenning, Hans; Chappell, Regina; Chew, Andrew; Cole, David; Colon, Toni; Crystal, Roy; Damico, Genevieve; Dholakia, Umesh; Doolan, Stephanie; duke, gerallyn; Edwards, Chebryll; Eisele, Adam; Epps-Price, Lena; Frantz, George; Fried, Gregory; Ghaffari, Mozafar; Hall, Kristen; Igoe, Sheila; Kelly, Shaheerah; Lancey, Susan; Leung, Chao; Mckelvey, Laura; McLamb, Marguerite; Mia, Marcia; Narvaez, Madonna; North, Alexis; Olson, Kyle; Ostrand, Laurie; Page, Lee; pandya, perry; Payne, Melissa; Russo, Todd; Sager, John; Sieffert, Margaret; Smuts, MaryBeth; Stewart, Kathleen; Throwe, Scott; Trine, Rae; Valenziano, Beth; Versace, Paul; Wagner, William; Ward, Ingrid; Webber, Robert; Welton, Patricia; Werner, Leslye; Whitlow, Jeff; Wilson, Holly; Zuco, Arthur; Morimoto, Kaoru; Eck, Janet; Thompson, Fred; Johnson, Mary; Ayres, Sara; Jackson, Scott; Marcus, Danny; Rineheart, Rachel; Darrow, Jennifer; Aquitania, Manny; Chalmers, ray; Wayland, Robertj; Schell, Bob; Cozzie, David; Lassiter, Penny; Dunkins, Robin; Conner, Lisa; Barnett, Keith; French, Chuck; Fruh, Steve; Culligan, Kevin; Law, Nicole; Kinard, Sherrie; Cain, Alexis; Godfrey, Janice; Mulrine, Phil; Rodman, Sonja; Gallagher, Bob; Srivastava, Ravi; Noonan, Jenny; Brachtl, Megan; South, Mia; Yellin, Patrick; Kurlansky, Ellen; Diem, Art; Castro, Grecia; Chow, Alice; Gross-Davis, CarolAnn; Torres, Elineth; Lamason, Bill; Vasu, Amy; Fairchild, Susan; King, Melanie; Lischinsky, Robert; Sanchez, Rafael; Aldridge, Amanda; Warner, Maryann; Owens, Katharine; Caparoso, Jennifer; Shine, Brenda; Mills, Kathy; Shrager, Brian; augustine, bruce; Vazquez, Natalia; Shappley, Ned; Tong, Stanley; Strine, Lora; Schulingkamp, Joseph; Chen, Eugene; Maurin, Lawrence; Harvey, Lornette; Ackerman, Charmagne; Eddinger, Jim; Willard, Erin; Storey, Brian; Smith, Korbin; Copland, Rick; Dickerson, Phil; Cortelyou-Lee, Jan; Costa, Allison
Cc: Johnson, Tanya; Whitmore, Scott; Li, Ryland (Shengzhi)
Subject: Quarterly RATC Call @ 2:00pm today - **Ex. 6 - Personal Privacy**
When: Thursday, April 6, 2017 2:00 PM-3:00 PM.
Where: Teleconference: **Ex. 6 - Personal Privacy**

Quarterly RATC Call Agenda

Date: Thursday, April 6, 2017 - 2:00PM - 3:00PM (EST)

Conference Line: **Ex. 6 - Personal Privacy**

Conference Call Facilitator: Wanda Pemberton

Note Taker: Region 3 (Region 2 will take notes next Quarter)

2:00 – 2:05 Roll Call

2:05 – 2:30 Discussion Topics:

- Status of RTR Litigation - Brian Shrager, SPPD/PSG
- Upcoming RTRs: MON, OLD & MCM - Jennifer Caparoso, SPPD/RCG
- Status of Phosphate Reconsideration - Susan Fairchild, SPPD/MMG
- Refinery Rule and Requests for Compliance Extensions - Brenda Shine, SPPD/RCG

2:30 – 2:35 Regulatory Updates - Janet Eck, SPPD

2:35 – 3:00 Regional Office Updates: Regional Reps

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Koerber, Mike[Koerber.Mike@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]
From: Macpherson, Alex
Sent: Fri 4/28/2017 6:58:01 PM
Subject: Draft Cost Memo
cost_memo_draft_042817.docx

Kevin

Attached is the draft cost memo. Please call me or Brian Keaveny if you have any questions. Thanks.

Alex

Alexander Macpherson, PhD

Senior Economist

Office of Air and Radiation

US Environmental Protection Agency

919-541-9770

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 6:51:22 PM
Subject: Re: Transmittal e-mail to Mike (now Mike is sending it to Sarah)

I think you mean CPP Rescission, but other than that, looks OK to me.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 2:42:43 PM
To: Macpherson, Alex; Keaveny, Brian; Eck, Janet; Steiner, Elyse
Subject: Transmittal e-mail to Mike (now Mike is sending it to Sarah)

Does this look ok? (highlighted a few things for Alex/Brian – will send as soon as I get the memo from Alex. Thanks all for your efforts on this.

Mike,

Attached are the current version of the CPP recession NPR and accompanying RIA memo.

With regards to the NPR there are several things worth highlighting:

1. This version works off of the version Lori Schmidt provided you via e-mail at 4:27 PM on Friday April 27 (based on discussions with OGC yesterday they indicated this was the best version to work off of.

2. Our edits address several things:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- Kevin

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 5:23:16 PM
Subject: Re: Looks like we are making very good progress - thanks

I'm finished-- especially now that my section is removed.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 1:12:27 PM
To: Eck, Janet; Steiner, Elyse
Subject: RE: Looks like we are making very good progress - thanks

Thanks all – looks like we are pretty close? I have a few questions to call Janet about, but unless there are other things either of you think I need to look at, I'm done. Will call Janet shortly. Elyse, let me know when you're done or if you need to touch base before finishing.

From: Eck, Janet
Sent: Friday, April 28, 2017 12:54 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: RE: Looks like we are making very good progress - thanks

It is the CBI instructions, but I already inserted that info. It is on page 7. It looks like Elyse put the small entities info in the table of contents by accident on page 4. Thanks.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 12:49 PM
To: Eck, Janet <Eck.Janet@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: Looks like we are making very good progress - thanks

Trying to remember what the plan was for the section entitled:

B. What should I consider as I prepare my comments for the EPA?

From: Eck, Janet
Sent: Friday, April 28, 2017 12:23 PM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: New Draft

Yes. Thanks!

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:20 PM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

I can see that you & Kevin are in the document editing, so I think you are in the right place. Can you see in the upper right corner where it says "Share" and the number 3 people editing?

From: Eck, Janet
Sent: Friday, April 28, 2017 12:16:08 PM
To: Steiner, Elyse; Culligan, Kevin
Subject: RE: New Draft

Hi Elyse, I received a link to CPP Proposal.FR Notice4.21.17.draft.docx at 11:11 am. Am I in the wrong spot? I may need your help. Thanks.

From: Steiner, Elyse
Sent: Friday, April 28, 2017 11:17 AM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

You should both be getting a link to the document in a new CPP sharepoint folder named April 2017 Draft. Let me know if you don't get it or run into any problems, but I think it should work.

From: Eck, Janet

Sent: Friday, April 28, 2017 10:32:23 AM
To: Culligan, Kevin; Steiner, Elyse
Subject: New Draft

Hi Kevin, Framework of my early thoughts attached. If you and Elyse can work out the Executive Summary elements, I will try to add some of the basic intro language. You can add and delete later as needed. Thanks.

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 4:59:06 PM
Subject: Re: Looks like we are making very good progress - thanks

I see- I edited in the outline instead of the body. Should be fixed now, if you save/ refresh.

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:53:37 PM
To: Culligan, Kevin; Eck, Janet
Subject: Re: Looks like we are making very good progress - thanks

Janet was going to fill that in with some boilerplate language about CBI in comments.

Kevin, I think my section is nearly complete for now. I inserted a couple comments for you-- the "Does this apply to me?" didn't exist in the final CPP. I took the NAICS code table from the 111(b) NSPS and some other language/CFR citations and combined it with some applicability language from CPP.

I'm going to step away for a few minutes, but can be reached on my cell any time.

From: Culligan, Kevin
Sent: Friday, April 28, 2017 12:49:20 PM
To: Eck, Janet; Steiner, Elyse
Subject: Looks like we are making very good progress - thanks

Trying to remember what the plan was for the section entitled:

B. What should I consider as I prepare my comments for the EPA?

From: Eck, Janet
Sent: Friday, April 28, 2017 12:23 PM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: New Draft

Yes. Thanks!

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:20 PM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

I can see that you & Kevin are in the document editing, so I think you are in the right place. Can you see in the upper right corner where it says "Share" and the number 3 people editing?

From: Eck, Janet
Sent: Friday, April 28, 2017 12:16:08 PM
To: Steiner, Elyse; Culligan, Kevin
Subject: RE: New Draft

Hi Elyse, I received a link to CPP Proposal.FR Notice4.21.17.draft.docx at 11:11 am. Am I in the wrong spot? I may need your help. Thanks.

From: Steiner, Elyse
Sent: Friday, April 28, 2017 11:17 AM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

You should both be getting a link to the document in a new CPP sharepoint folder named April 2017 Draft. Let me know if you don't get it or run into any problems, but I think it should work.

From: Eck, Janet
Sent: Friday, April 28, 2017 10:32:23 AM
To: Culligan, Kevin; Steiner, Elyse
Subject: New Draft

Hi Kevin, Framework of my early thoughts attached. If you and Elyse can work out the Executive Summary elements, I will try to add some of the basic intro language. You can add and delete later as needed. Thanks.

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Drinkard, Andrea
Sent: Fri 4/28/2017 3:50:08 PM
Subject: Links to FR notices

CPP: https://www.federalregister.gov/documents/2017/04/04/2017-06522/review-of-the-clean-power-plan

Oil and Gas NSPS: https://www.federalregister.gov/documents/2017/04/04/2017-06658/review-of-the-2016-oil-and-gas-new-source-performance-standards-for-new-reconstructed-and-modified

111(b): https://www.federalregister.gov/documents/2017/04/04/2017-06519/review-of-the-standards-of-performance-for-greenhouse-gas-emissions-from-new-modified-and

Withdrawal: https://www.federalregister.gov/documents/2017/04/03/2017-06518/withdrawal-of-proposed-rules-federal-plan-requirements-for-greenhouse-gas-emissions-from-electric

Andrea Drinkard

Deputy Communications Director

EPA Office of Air and Radiation

Desk: 202.564.1601

Cell: 202.236.7765

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Macpherson, Alex[Macpherson.Alex@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 3:17:56 PM
Subject: Re: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

OK, I'll add him to the list of editors right now.

Alex-- let me know if you don't get it soon.

Elyse

From: Culligan, Kevin
Sent: Friday, April 28, 2017 11:16:23 AM
To: Steiner, Elyse
Cc: Macpherson, Alex
Subject: FW: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

Alex is also making edits, does he need anything more than the link to do so?

From: Steiner, Elyse [mailto:no-reply@sharepointonline.com]
Sent: Friday, April 28, 2017 11:13 AM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Cc: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

Here's the document that Steiner, Elyse shared with you.

Open CPP Proposal.FR Notice.4.21.17.draft.docx

See more related to Steiner, Elyse in Delve.

Get the SharePoint mobile app!

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Macpherson, Alex
Sent: Fri 4/28/2017 3:17:27 PM
Subject: RE: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

I need permission…can you also add Brian Keaveny. Brian is working on the EO12866

From: Culligan, Kevin
Sent: Friday, April 28, 2017 11:16 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Cc: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: FW: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

Alex is also making edits, does he need anything more than the link to do so?

From: Steiner, Elyse [mailto:no-reply@sharepointonline.com]
Sent: Friday, April 28, 2017 11:13 AM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Cc: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: Steiner, Elyse has shared 'CPP Proposal.FR Notice.4.21.17.draft'

Here's the document that Steiner, Elyse shared with you.

Open CPP Proposal.FR Notice.4.21.17.draft.docx

See more related to Steiner, Elyse in Delve.

Get the SharePoint mobile app!

To: Eck, Janet[Eck.Janet@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 3:16:38 PM
Subject: Re: New Draft

You should both be getting a link to the document in a new CPP sharepoint folder named April 2017 Draft. Let me know if you don't get it or run into any problems, but I think it should work.

From: Eck, Janet
Sent: Friday, April 28, 2017 10:32:23 AM
To: Culligan, Kevin; Steiner, Elyse
Subject: New Draft

Hi Kevin, Framework of my early thoughts attached. If you and Elyse can work out the Executive Summary elements, I will try to add some of the basic intro language. You can add and delete later as needed. Thanks.

To: Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Harvey, Reid
Sent: Fri 4/28/2017 2:52:06 PM
Subject: Fwd: CPP - GHG NSPS abeyance orders
2017-04-28 - order holding CPP cases in abeyance.pdf
ATT00001.htm
2017-04-28 - order holding GHG NSPS cases in abeyance.pdf
ATT00002.htm

Begin forwarded message:

From: "Lifland, David" <Lifland.David@epa.gov>
Date: April 28, 2017 at 10:50:06 AM EDT
To: "Haeuber, Richard" <Haeuber.Richard@epa.gov>, "Stenhouse, Jeb" <Stenhouse.Jeb@epa.gov>, "Adamantiades, Mikhail" <Adamantiades.Mikhail@epa.gov>, "Wilson, Erika" <Wilson.Erika@epa.gov>
Cc: "Harvey, Reid" <Harvey.Reid@epa.gov>
Subject: CPP - GHG NSPS abeyance orders

FYI – the DC Circuit just granted the motions for abeyance in both the CPP case and the GHG NSPS cases, but for 60 days rather than indefinitely. The Court has also ordered supplemental briefing by May 15 on whether the cases should be remanded to the Agency instead of being held in abeyance. The orders are attached.

David Lifland / US EPA Clean Air Markets Division

202-343-9151 office / 202-740-3830 cell

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Steiner, Elyse
Sent: Fri 4/28/2017 12:19:30 PM
Subject: Re: CPP proposed repeal

The list below does not include the RIA or other memos for FAR.

As far as other procedural steps that have yet to be taken, **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

From: Steiner, Elyse
Sent: Thursday, April 27, 2017 3:47:20 PM
To: Culligan, Kevin
Subject: RE: CPP proposed repeal

List of Blue Folder documents that I've identified so far. I'll check with Amber when she is back in the office next week if there are any others.

- Action Memo
- Comms Plan
- Fact Sheet
- FR Cover Form
- FR Typeset Request

•□□□□□□□□ OGC Concurrence

•□□□□□□□□ Routing Slip

•□□□□□□□□ CRA Checklist (for final rules only, I think)

The Action Memo has places for Tier, SAN, RIN, OMB review, and signature deadlines, among other missing information.

From: Culligan, Kevin
Sent: Thursday, April 27, 2017 10:24 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>
Subject: FW: CPP proposed repeal

From: Skinner-Thompson, Jonathan
Sent: Thursday, April 27, 2017 10:01 AM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: FW: CPP proposed repeal

See attached.

Jonathan Skinner-Thompson

From: Schmidt, Lorie
Sent: Friday, April 21, 2017 4:27 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Subject: CPP proposed repeal

Attached are two versions of the draft FR notice to repeal the CPP

- "RLSO" shows the changes from the draft we sent you yesterday;
- "draft" is a clean version that can be given to Ryan Jackson.

Both versions include Justin's edits and OAR's inserted material.

Justin – would you like me to get hard copy to you or Ryan?

Lorie

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Skinner-Thompson, Jonathan
Sent: Thur 4/27/2017 2:01:06 PM
Subject: FW: CPP proposed repeal
CPP Proposal.FR Notice.4.21.17.RLSO.docx
CPP Proposal.FR Notice.4.21.17.draft.docx

See attached.

Jonathan Skinner-Thompson

From: Schmidt, Lorie
Sent: Friday, April 21, 2017 4:27 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Subject: CPP proposed repeal

Attached are two versions of the draft FR notice to repeal the CPP

- "RLSO" shows the changes from the draft we sent you yesterday;
- "draft" is a clean version that can be given to Ryan Jackson.

Both versions include Justin's edits and OAR's inserted material.

Justin – would you like me to get hard copy to you or Ryan?

Lorie

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Tsirigotis, Peter
Sent: Fri 4/21/2017 3:10:27 PM
Subject: Re: executive order sections per discussion with Peter

Great. :)

On Apr 21, 2017, at 11:07 AM, Culligan, Kevin <Culligan.Kevin@epa.gov> wrote:

Alex did the 12866 section, he reviewed the Energy Order section and I've verbally walked him through the rest of it. I was going to send him and Reid whatever version Mike sends forward.

From: Tsirigotis, Peter
Sent: Friday, April 21, 2017 11:04 AM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: executive order sections per discussion with Peter

Make sure you share with Alex.

On Apr 21, 2017, at 11:01 AM, Culligan, Kevin <Culligan.Kevin@epa.gov> wrote:

Will call you

<CPP Proposal.FR Notice.4.20.2017- with first draft of EO.docx>

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Tsirigotis, Peter
Sent: Fri 4/21/2017 3:05:17 PM
Subject: Re: executive order sections per discussion with Peter

Now that I think of it, it's worth you giving Reid a call and filling him in on where we are. You can offer him a copy of this document.

On Apr 21, 2017, at 11:01 AM, Culligan, Kevin <Culligan.Kevin@epa.gov> wrote:

Will call you

<CPP Proposal.FR Notice.4.20.2017- with first draft of EO.docx>

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Macpherson, Alex
Sent: Fri 4/21/2017 11:51:48 AM
Subject: eo_12866_13563_042117.docx
eo_12866_13563_042117.docx

Kevin

Draft 12866/13563 write-up attached. Please feel free to comment/critique.

Also, please tell me which other sections you want me to work on, so we can split up the work and finish on time

Alex

To: OAQPS SPPD GL[OAQPS_SPPD_GL@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]
From: Conner, Lisa
Sent: Thur 4/20/2017 5:41:20 PM
Subject: List of 13777 Projects.docx
List of 13777 Projects.docx

Per the discussion in the staff meeting, attached is the list of potential projects for EO 13777. Please note that this list is currently not expected to be published broadly, so please do not distribute beyond the relevant staff. Also, it is a draft list that will be put forward to the Administrator, so it can change.

As mentioned, I need your input or revisions by COB today. Thank you so much.

To: Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: McLamb, Marguerite[McLamb.Marguerite@epa.gov]
From: Conner, Lisa
Sent: Mon 4/17/2017 6:53:22 PM
Subject: Update from the Transition Team
Executive Orders Summary 04.05.17 0850.docx

Hi Peter, Fred, and Kevin:

I thought it would be good to send you a quick note of activities in the Agency related to transition, and we will update the GLs tomorrow as well.

Ex. 5 - Deliberative Process

The Department of Commerce also held an open request for suggestions to streamline permitting and reduce regulatory burden in response to a presidential memo on the topic. Of the 170 comments received by Commerce, many of them are related to EPA. OP will share pertinent comments with the program offices and coordinate a response to the president's memo.

Ex. 5 - Deliberative Process

With regard to the reg agenda, we are awaiting senior leadership decisions before sending the

Ex. 5 - Deliberative Process

Lastly, the ADD meeting in Chicago has an agenda item to discuss all of the EOs and many are suggesting the Mike Koerber and Jim DeMocker give a talk. So, as a heads up…Mike may look to us some time in the near future for input.

That's more than enough for now! I will give you more updates as I hear more.

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Tsirigotis, Peter
Sent: Mon 4/17/2017 3:06:42 PM
Subject: FW: CPP status check

-----Original Message-----
From: Schmidt, Lorie
Sent: Sunday, April 16, 2017 9:09 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Subject: Re: CPP status check

OGC did a draft FR notice in two days right before the EO came out. I think your folks saw it and I think I ccd you when I sent it to Justin-/but I am not positive of either.

Sent from my iPhone

> On Apr 15, 2017, at 11:22 AM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:
>
> Sorry for the question, but what is Justin asking for? 2nd draft of what?
>
>
>> On Apr 15, 2017, at 11:17 AM, Schmidt, Lorie <Schmidt.Lorie@epa.gov> wrote:
>>
>> Looping in Sarah Dunham and Peter Tsirigotis since OAR is the program lead.
>>
>> I will check with my staff on Monday to see where we are on drafting. I know they have been working on it.
>>

Ex. 5 - Deliberative Process

>>
>> Sent from my iPhone
>>
>>> On Apr 14, 2017, at 7:35 PM, Schwab, Justin <schwab.justin@epa.gov> wrote:
>>>
>>> Update: we now have a deadline! **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

>>>
>>> Please let me know where we are and how we're going to get to where we need to be. I am at your disposal, consistent with my other obligations, to help get this done and can stay as late as necessary M-W next week to help get this done.
>>>
>>> Sent from my iPhone
>>>
>>>> On Apr 13, 2017, at 11:58 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:
>>>>
>>>> How's the second draft coming along?
>>>>
>>>> Sent from my iPhone

To: Jordan, Scott[Jordan.Scott@epa.gov]
From: Jordan, Scott
Sent: Thur 4/13/2017 12:59:31 PM
Subject: CPP and New Source Rule Litigation Update - EPA files reply briefs in further support of motions for abeyance of cases
New Source Rule case.EPA reply on abeyance motion.4.12.17.pdf
CPP case.EPA reply on abeyance motion.4.12.17.pdf
CPP Reconsideration Denial case.EPA reply on abeyance motion.4.12.17.pdf

Yesterday, we filed reply briefs in further support of EPA's motions to hold the three Clean Power Plan related cases in abeyance. Copies of our reply briefs are attached.

This completes the briefing on the abeyance motions, so we are now waiting for a ruling from the court.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

Recent Actions on Regulatory Reform

EMC Update – April 4, 2017

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

- Generally known as the "2 for 1" EO – requires EPA to modify or repeal two existing regulations for each new regulation proposed or finalized in FY17 and thereafter.
- OMB guidance established that costs for final, significant rules in FY17 (after Inauguration Day) need to be fully offset by cost savings from modification or repeal of other regulations.
- We also expect to get a regulatory budget for FY18 from OMB.

Executive Order 13777: Enforcing the Regulatory Reform Agenda

- Implements and enforces regulatory reform, with goal of alleviating unnecessary regulatory burden.
- Establishes a Regulatory Reform Officer (RRO) and a Regulatory Reform Task Force at each Agency. At EPA, the RRO is Samantha Dravis, and the members of the Task Force are Ryan Jackson, Byron Brown, Samantha Dravis, and Brittany Bolen.
    - The Task Force is to identify regulations that could be repealed, replaced, or modified because they are outdated, unnecessary, or ineffective.
    - The Task Force must seek input from State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.
    - By May 26, the Task Force must provide a progress report to the Administrator.

Ex. 5 - Deliberative Process

Executive Order 13783: Promoting Energy Independence and Economic Growth

- This is the most recent EO, signed here at EPA last Tuesday.
- Directs EPA to review the Clean Power Plan, related rules, and an Oil and Gas rule (the NSPS).
- It also directs agencies to review existing regulations, orders, guidance documents, and policies that potentially burden the development or use of domestically produced energy resources.
- By May 12, the Administrator must submit a plan for the review of existing regulations to OMB.
- By late July, the Administrator must submit a draft final report detailing agency actions to review existing regulations that potentially burden the development or use of domestically produced energy resources.

Ex. 5 - Deliberative Process

Executive Order 13766: Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects

- The goal of this EO is to ensure that federal infrastructure decisions are accomplished with maximum efficiency and effectiveness while respecting property rights and protecting public safety and the environment.

Ex. 5 - Deliberative Process

Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

- Directs agencies to support expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and reductions in regulatory burdens affecting domestic manufacturing.
- Department of Commerce has the lead for the memo, and was directed to conduct outreach to stakeholders on the impact of Federal regulations on domestic manufacturing. They published a request for information in early March, with comments due this past Friday. Around 170 comments have been received, and Commerce has indicated many of them are related to EPA.
- OP will be sharing those comments with the relevant program offices and coordinating the response to the Presidential Memo.

Ex. 5 - Deliberative Process

Administrator Memo on Improved Management of Regulatory Actions

- Sent from the Administrator to acting AAs and RAs on March 24.
- Directs us to add more actions into the agency's regulatory management system (ADP Tracker) to provide senior leadership a more comprehensive understanding of the Agency's policymaking activities.
- OP has been gathering additional information from Programs and Regions (e.g., on different types of petitions and permits) to inform upcoming guidance.

Ex. 5 - Deliberative Process

Regulatory Agenda

- The Agency is currently preparing the Regulatory Agenda, which comes out every spring and fall and highlights the regulations EPA expects to publish in the following year.

Ex. 5 - Deliberative Process

- Programs recently submitted information to OP, and discussions are underway with senior leadership on final submission to OMB.

Ex. 5 - Deliberative Process

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1363 **September Term, 2016**

EPA-80FR64662
EPA-82FR4864

Filed On: April 28, 2017

State of West Virginia, et al.,

Petitioners

v.

Environmental Protection Agency and E. Scott Pruitt, Administrator, United States Environmental Protection Agency,

Respondents

American Wind Energy Association, et al.,
Intervenors

Consolidated with 15-1364, 15-1365, 15-1366, 15-1367, 15-1368, 15-1370, 15-1371, 15-1372, 15-1373, 15-1374, 15-1375, 15-1376, 15-1377, 15-1378, 15-1379, 15-1380, 15-1382, 15-1383, 15-1386, 15-1393, 15-1398, 15-1409, 15-1410, 15-1413, 15-1418, 15-1422, 15-1432, 15-1442, 15-1451, 15-1459, 15-1464, 15-1470, 15-1472, 15-1474, 15-1475, 15-1477, 15-1483, 15-1488

BEFORE: Garland*, Chief Judge, and Henderson, Rogers, Tatel, Brown, Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins, Circuit Judges

ORDER

Upon consideration of the joint motion of the Utility Air Regulatory Group and American Public Power Association and LG&E and KU Energy LLC to sever and consolidate, the oppositions thereto, the response to the joint motion, and the joint reply; the joint motion of Entergy Corporation, Westar Energy, Inc., and NorthWestern Corporation to sever and consolidate, the opposition thereto, the response to the motion, and the reply; the motion of National Association of Home Builders to sever and consolidate, the opposition thereto, the response to the motion, and the reply;

* Chief Judge Garland did not participate in this matter.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1363 **September Term, 2016**

the motion of petitioners States of West Virginia, Texas, Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Montana, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Utah, Wisconsin, Wyoming and the Arizona Corporation Commission, the State of Mississippi Department of Environmental Quality, and the State of Mississippi Public Service Commission to sever and consolidate, and the opposition thereto, and the response to the motion, and the reply; the motion of the State of North Dakota to sever and consolidate, the oppositions thereto, and the response to the motion, and the reply; the motion of Denbury Onshore, LLC to sever and consolidate, and the opposition thereto, and the response to the motion; the motion of Basin Electric Power Cooperative to sever and consolidate, and the opposition thereto, and the response to the motion; the motion of EPA to hold cases in abeyance, the response in support, the corrected opposition with supplement, the oppositions to the motion, and the reply, and in light of the vote by a majority of judges eligible to participate, it is

ORDERED that the motion to hold the cases in abeyance be granted to the extent that these consolidated cases be held in abeyance for 60 days from the date of this order. EPA is directed to file status reports at 30-day intervals beginning 30 days from the date of this order. It is

FURTHER ORDERED that the parties file supplemental briefs addressing whether these consolidated cases should be remanded to the agency rather than held in abeyance. The supplemental briefs are due at 4:00 p.m. on May 15, 2017, and may not exceed 3,900 words if produced using a computer or 15 pages if typewritten or handwritten. To the extent possible, the parties are to file jointly. The court looks with extreme disfavor upon duplicative submissions. The parties are to hand-deliver 30 paper copies of their submission to the court by the time and date due. It is

FURTHER ORDERED that consideration of the motions to sever and consolidate be deferred pending further order of the court.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1381 **September Term, 2016**

EPA-80FR64510
EPA-81FR27442

Filed On: April 28, 2017

State of North Dakota,

Petitioner

v.

Environmental Protection Agency,

Respondent

State of New Mexico, et al.,
Intervenors

Consolidated with 15-1396, 15-1397, 15-1399, 15-1434, 15-1438, 15-1448, 15-1456, 15-1458, 15-1463, 15-1468, 15-1469, 15-1481, 15-1482, 15-1484, 16-1218, 16-1220, 16-1221, 16-1227

BEFORE: Henderson, Srinivasan, and Pillard, Circuit Judges

ORDER

Upon consideration of respondent's motion to hold cases in abeyance, the response in support, the oppositions to the motion, and the reply, it is

ORDERED that the motion to hold the cases in abeyance be granted to the extent that these consolidated cases be held in abeyance for 60 days from the date of this order. EPA is directed to file status reports at 30-day intervals beginning 30 days from the date of this order. It is

FURTHER ORDERED that the parties file supplemental briefs addressing whether these consolidated cases should be remanded to the agency rather than held in abeyance. The supplemental briefs are due at 4:00 p.m. on May 15, 2017, and may not exceed 3,900 words if produced using a computer or 15 pages if typewritten or handwritten. To the extent possible, the parties are to file jointly. The court looks with extreme disfavor upon duplicative submissions. The parties are to hand-deliver paper copies of their submission to the court by the time and date due.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

MEMORANDUM

SUBJECT: Repeal of Carbon Dioxide Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Tier; SAN; RIN) – **TRANSMITTAL MEMORANDUM**

FROM: Sarah Dunham
Acting Assistant Administrator (6101A)

TO: Samantha Dravis, Associate Administrator
Office of Policy (1803A)

Attached is the proposed action, "Repeal of Carbon Dioxide Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." This action proposes to repeal the Clean Power Plan (CPP). Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The final action was developed under Tier [] procedures and has been reviewed by the Office of General Counsel. There are no outstanding agency issues with this action.

Please submit this package for interagency review to the Office of Management and Budget under Executive Order 12866 and the Paperwork Reduction Act as soon as possible.

Attachment

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ORAL ARGUMENT HELD SEPTEMBER 27, 2016

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF WEST VIRGINIA, ET AL., Petitioners, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL., Respondents.	No. 15-1363 (and consolidated cases)

REPLY IN SUPPORT OF EPA'S MOTION TO
HOLD CASES IN ABEYANCE

INTRODUCTION

Two months after his inauguration, the President of the United States issued an Executive Order directing the Environmental Protection Agency (EPA) to immediately take all steps necessary to review the Clean Power Plan, the Rule at issue in these cases. The Executive Order also instructs EPA to, if appropriate and as soon as practicable, publish for notice and comment a proposed rule suspending, revising, or rescinding the Clean Power Plan.

EPA immediately followed the direction of the Executive Order, as it must, by announcing its initiation of review of the Clean Power Plan and potential forthcoming

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rulemaking. As a result of these very consequential developments, further judicial proceedings are unwarranted at this time. Therefore, EPA immediately requested that these cases be held in abeyance to avoid unnecessary adjudication or interference with the current administrative process.

Respondent-Intervenors request that this Court "resolve legal issues that will define certain boundaries of any new rulemaking." State and Municipal Respondent-Intervenors' Opposition ("State Opp.") at 12. But it is not the proper role of this Court to try to shape a potential forthcoming rulemaking through an advisory opinion, particularly where doing so would intrude upon EPA's authority to interpret and implement a statute it administers and upon a new Administration's authority to change legal and policy positions. Abeyance will thus avoid an advisory opinion on issues that may become moot, preserve the integrity of the administrative process, and conserve judicial resources.

ARGUMENT

I. The Executive Order and Current Review of the Clean Power Plan Warrant Abeyance.

The Executive Order and EPA's current review of the Clean Power Plan and advanced notice of potential forthcoming rulemaking provide compelling grounds for abeyance. Intervenors offer no persuasive reasons for denying the motion.

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To begin with, Intervenors misconstrue the Executive Order and EPA's notice in asserting that EPA has presented this Court with "nothing more than [a] vague intent to review the Clean Power Plan," without providing "any indication of the contours of this review" or its speed. State Opp. at 4-10. The Executive Order specifically directs EPA to "*immediately* take all steps necessary to review" the Clean Power Plan. Executive Order § 4 (emphasis added). And EPA followed this directive posthaste, announcing hours after the issuance of the Executive Order that "*it is reviewing* the Clean Power Plan" and described "the review of the [Rule] that EPA *is initiating today*." 82 Fed. Reg. 16,329, 16,329, 16,330 (Apr. 4, 2017) (emphasis added). EPA has been directed to review the Clean Power Plan for consistency with the policies set forth in the Executive Order. Executive Order § 4; 82 Fed. Reg. at 16,329-30. Accordingly, EPA has made clear that its review "will follow each of the principles and policies set forth in the Executive Order, as consistent with EPA's statutory authority" and has articulated the factors that will guide its review. 82 Fed. Reg. at 16,330. Thus, EPA's review is not tentative or equivocal, and the review is being conducted within the confines of the Executive Order and in accordance with the Clean Air Act.

Intervenors' suggestion that EPA's abeyance motion is untimely because it follows briefing and oral argument is likewise misplaced. See State Opp. at 1-2. A new administration is perfectly entitled to consider a change in policy course, even if there is pending litigation over the particular policy matter. See Motor Vehicle Mfrs.

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Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 59 (1983) ("A change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations.") (Rehnquist, J., concurring in part and dissenting in part). Here, the Executive Order and concomitant required review process constitute transformative developments rendering the present claims unfit for further judicial proceedings at this time.

EPA filed its abeyance motion at the earliest opportunity, and the fact that this litigation may be at a relatively advanced stage is immaterial. Abeyance would "protect the agency's interest in crystallizing its policy before that policy is subjected to judicial review and the court's interest in avoiding unnecessary adjudication." Am. Petroleum Inst. v. EPA, 683 F.3d 382, 387 (internal quotation marks and citation omitted) (D.C. Cir. 2012). See also Devia v. Nuclear Regulatory Commission, 492 F.3d 421, 423-28 (D.C. Cir. 2007) (dismissing challenge to agency action following merits briefing and supplemental briefing).[1] Here, the Agency's policy with respect to the Clean Power Plan is under review and issues concerning the Rule are unfit for

[1] As Devia demonstrates, Intervenor States' contention that there is "no precedent for holding a case in abeyance for such a lengthy and open-ended period at such a late stage in the Court's proceedings" is incorrect. States' Opp. at 9. In Devia this Court—following full briefing—placed a challenge to a Nuclear Regulatory Commission licensing decision in open-ended abeyance, fully recognizing that such abeyance period could last a period of years. 492 F.3d at 424; see also Case No. 05-1419, ECF No. 1667424 (reflecting that Devia remains in abeyance 10 years later).

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further judicial proceedings.[2]

Intervenors' insinuation that EPA's motion has been submitted for the inappropriate purpose of "staving off" judicial review is unfounded. See State Opp. at 7. EPA has moved for abeyance in good faith, recognizing that the Executive Order, ongoing review of the Rule, and advanced notice of potential rulemaking proceedings are significant developments that render Petitioners' present claims unfit for adjudication at this time. EPA's request for a deferral of further proceedings is appropriate and should be granted.

II. Abeyance Will Conserve Judicial Resources.

There should also be no doubt that postponing judicial review will conserve judicial resources of this Court as well as the Supreme Court. Contrary to Intervenors' assertions, the present litigation is far from any end point, even if it were to proceed. See, Public Health and Environmental Organizations' Opposition ("Envtl. Opp.") at 10 (asserting that the abeyance motion was filed at the "latest possible moment in this case."). Many Petitioners have requested supplemental briefing for the purpose of addressing EPA's denial of their reconsideration petitions. Moreover, any decision by this Court would almost certainly generate substantial

[2] EPA appreciates a case may sometimes become unfit for further review after the expenditure of party and court resources, but sunk costs, no matter how large, do not warrant an unnecessary judicial adjudication which may interfere with ongoing administrative proceedings and needlessly result in the further expenditure of resources.

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additional briefing in the form of possible petitions for reconsideration and almost-certain petitions for writ of certiorari. In this circumstance, EPA would likely be compelled to take a position on the Clean Power Plan while the Rule is being reviewed by the Agency. Abeyance would avoid compelling the United States to represent the current Administration's position on substantive questions that are being considered in an ongoing administrative process. Proceeding with the litigation would prejudice EPA as it would likely be unable to represent the Administration's conclusive position, and could call into question the integrity of the administrative proceedings.

Intervenors speculate that if certain issues "are not decided now, the Court will face them again in the future." Envtl. Opp. at 13. Whether any given issue will remain relevant will depend upon exactly what EPA does following its current administrative review, the basis for that action, and how that action affects interested parties. If the Court does face some of the same issues in the future, those issues might well be presented in a completely different context and posture, with potentially different administrative interpretations supporting EPA's legal judgments and a different administrative record supporting revised scientific conclusions.

Intervenors suggest this Court should "resolve legal issues that will define certain boundaries of any new rulemaking." State Opp. at 12. However, it is not the proper role of this Court to try to shape forthcoming potential rulemaking through an advisory opinion. Nor is it the proper role of this Court to weigh in on issues

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prematurely just because it might face them again in a different context. Cf. Chamber of Commerce v. EPA, 642 F.3d 192, 199 (D.C. Cir. 2011) (noting that federal courts are "without authority to render advisory opinions" (internal quotation marks and citation omitted)). Further, as this Court has acknowledged, because EPA's interpretations of the Clean Air Act are afforded significant deference, "[i]t is more consistent with the conservation of judicial resources to make that deference-bound review after the agency has finalized its application of the relevant statutory text," which here will occur following the conclusion of EPA's review of the Rule, and, if appropriate, further administrative proceedings. Am. Petroleum Inst., 683 F.3d at 389.

Intervenors' reliance on the recent decision of the Supreme Court to continue proceedings in National Ass'n of Manufacturers v. Department of Defense, Case No. 16-299 (Apr. 3, 2017), see States Opp. at 11, is misplaced. That decision does not support the proposition that federal courts should issue advisory opinions on statutory questions for the purpose of shaping future agency proceedings. In that case, the Supreme Court has granted certiorari to decide whether judicial review of an EPA Clean Water Act rule properly resides in the courts of appeals or district courts. Importantly, the merits of EPA's rule are *not* before the Supreme Court, and the Court's decision to proceed with resolving the proper judicial forum under the Clean Water Act judicial review provision has little relevance here. This case presents no such judicial forum question.

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FOIA: EPA-HQ-FOIA 008391 Production Set #6

Intervenors' reliance on Chlorine Chemistry Council v. EPA, 206 F.3d 1286, 1290 (D.C. Cir. 2000) is likewise misplaced. See State Opp. at 13. That case did not involve an "analogous situation": it did not even involve a request for abeyance. There, EPA conceded a challenged action was defective and moved for vacatur. The Court then denied that request because vacatur would not provide the petitioners with an adequate remedy.

III. The Supreme Court's Stay Did Not Deprive This Court of Authority to Manage This Docket Efficiently and Resolved the Balance of Hardships.

Contrary to Intervenors' argument, Envtl. Opp. at 5-10; State Opp. at 7, the Supreme Court's decision to stay the Rule did not in any way deprive this Court of its inherent authority to efficiently manage its docket by holding the claims in abeyance. The "power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Landis v. N. Am. Co., 299 U.S. 248, 254 (1936). Nothing in the Supreme Court's stay order withdrew this power from this Court. The Supreme Court's stay order precluded *EPA* from enforcing its Rule; it did not restrict this Court's discretion to manage its docket.

Nor does section 705 of the Administrative Procedure Act, 5 U.S.C. § 705, provide Intervenors with any credible argument for opposing a stay. See Envtl. Opp. at 7-8. Section 705 broadly authorizes courts to stay an action pending judicial review (and consistent with that authority the Supreme Court stayed the Rule), but in

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providing such authorization, section 705 contains no restrictions on the Court's docket management power, nor preclude the ability of this Court to hold in abeyance challenges to an agency rule previously stayed by the Supreme Court. Cf. Mexichem Specialty Resins, Inc. v. EPA, 787 F.3d 544, 562 (D.C. Cir. 2015) (noting that section 705 of the APA authorizes courts to stay agency rules pending judicial review without any time limit on the duration of the stay) (Kavanaugh, J., dissenting in part); Portland Cement Ass'n v. EPA, 665 F.3d 177, 189 (D.C. Cir. 2011) (staying CAA requirements applicable to clinker storage piles pending EPA reconsideration).

Intervenors also mischaracterize the nature of the Supreme Court's stay decision. See Envtl. Opp. at 5-8. The Supreme Court entered a stay after applying the traditional stay factors, including evaluating Petitioners' likelihood of success on the merits, the balance of hardships and the public interest. Thus, there is no reason to conclude the Supreme Court would be troubled by the stay remaining in place pending EPA Rule reconsideration. Furthermore, because the balance of hardships was considered by the Supreme Court in considering whether a stay should be entered, the Supreme Court's decision to enter a stay has resolved that inquiry in favor of Petitioners.[3]

[3] As this Court has explained, the inquiry into hardship largely relates to "the degree and nature of the regulation's present effect on *those seeking relief*." Devia, 492 F.3d at 427 (quoting Toilet Goods Ass'n v. Gardner, 387 U.S. 158, 164 (1967)) (emphasis in original). And here, Petitioners support abeyance.

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CONCLUSION

Wherefore, for the reasons set forth above and in EPA's opening motion, EPA's Motion to Hold Cases in Abeyance should be granted.

Respectfully submitted,

BRUCE S. GELBER
Deputy Assistant Attorney General

DATED: April 12, 2017 BY: */s/ Eric G. Hostetler*

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Fed. R. App. P. Rule 27(d)(2) because it contains approximately 2,134 words according to the count of Microsoft Word and therefore is within the word limit of 2,600 words.

Dated: April 12, 2017

/s/ *Eric G. Hostetler*
Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Reply in Support of EPA's Motion to Hold Case in Abeyance have been served through the Court's CM/ECF system on all registered counsel this 12th day of April, 2017.

/s/ *Eric G. Hostetler*
Counsel for Respondent

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ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NORTH DAKOTA, ET AL.,	)	
	)	
Petitioners,	)	
	)	
v.	)	No. 17-1014 (and consolidated cases)
	)	
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.,	)	
	)	
Respondents.	)	
	)	

REPLY IN SUPPORT OF EPA'S MOTION
TO HOLD CASES IN ABEYANCE

Two months after his inauguration, the President of the United States issued an Executive Order directing the Environmental Protection Agency ("EPA") to immediately take all steps necessary to review the Clean Power Plan – the underlying rule at issue in these cases, which challenge EPA's denial of petitions for administrative reconsideration of the rule ("the Denial Action"). The Executive Order also instructs EPA to, if appropriate and as soon as practicable, publish for notice and comment a proposed rule suspending, revising, or rescinding the Clean Power Plan.

EPA immediately followed the direction of the Executive Order, as it must, by announcing its initiation of review of the Clean Power Plan and potential forthcoming

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rulemaking. As a result of these very consequential developments, further judicial proceedings in these cases challenging EPA's related Denial Action are unwarranted at this time. Therefore, EPA immediately requested that these cases be held in abeyance to avoid unnecessary adjudication or interference with the current administrative process. Abeyance will thus avoid an advisory opinion on issues that may become moot, preserve the integrity of the administrative process, and conserve judicial resources.

ARGUMENT

The Executive Order, EPA's current review of the Clean Power Plan, and advanced notice of potential forthcoming rulemaking provide compelling grounds for abeyance. Intervenors offer no persuasive reasons for denying the motion.

A new administration is perfectly entitled to consider a change in policy course, even if there is pending litigation over the particular policy matter. See Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 59 (1983) ("A change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations.") (Rehnquist, J., concurring in part and dissenting in part). Here, the Executive Order and concomitant required review process constitute transformative developments rendering the present claims unfit for further judicial proceedings at this time. Abeyance would "protect the agency's interest in crystallizing its policy before that policy is subjected to judicial review and the court's

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interest in avoiding unnecessary adjudication." Am. Petroleum Inst. v. EPA, 683 F.3d 382, 387 (D.C. Cir. 2012) (internal quotation omitted); see also Devia v. Nuclear Regulatory Comm'n, 492 F.3d 421, 423 (D.C. Cir. 2007) (dismissing challenge to agency action following merits briefing and supplemental briefing). The Agency's policy with respect to the Clean Power Plan is under review, so issues concerning the Rule – and petitions to reconsider that Rule – are unfit for further judicial proceedings.

Intervenors' brief arguments in opposition do not undermine this bedrock principle of judicial restraint and judicial economy. First, Intervenors' argument that the abeyance is inappropriate because the Executive Order represents the "mere initiation of a 'nascent review,'" creating only an "indeterminate possibility of initiating a new rulemaking," misconstrues the terms of the Executive Order. See Movant Respondent-Intervenor Public Health and Environmental Organizations' Opposition ("Int. Opp."), ECF No. 1669771, at 4. The Executive Order specifically directs EPA to "*immediately* take all steps necessary to review" the Clean Power Plan. Executive Order § 4 (emphasis added). And EPA followed this directive posthaste, announcing hours after the issuance of the Executive Order that "*it is reviewing* the Clean Power Plan" and describing "the review of the [Rule] that EPA *is initiating today*." 82 Fed. Reg. 16,329, 16,329, 16,330 (Apr. 4, 2017) (emphasis added).

EPA has been directed to review the Clean Power Plan for consistency with the policies set forth in the Executive Order. Executive Order § 4; 82 Fed. Reg. at

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16,329-30. Accordingly, EPA has made clear that its review "will follow each of the principles and policies set forth in the Executive Order, as consistent with EPA's statutory authority" and has articulated the factors that will guide its review. 82 Fed. Reg. at 16,330. Thus, EPA's review is not tentative or equivocal, and the review is being conducted within the confines of the Executive Order and in accordance with the Clean Air Act.

Second, Intervenors' contention that proceeding to litigation could resolve legal issues that "would be relevant in any future regulatory action related to the Clean Power Plan" is speculative and ignores the proper role of a reviewing court. See Int. Opp. at 4. Whether any given issue will remain relevant will depend upon exactly what EPA does following its current administrative review, the basis for that action, and how that action affects interested parties. If the Court does face some of the same issues in the future, those issues might well be presented in a completely different context and posture, with potentially different administrative interpretations supporting EPA's legal judgments and a different administrative record supporting revised scientific conclusions.

Likewise, it is not the proper role of this Court to try to shape forthcoming potential rulemaking through an advisory opinion. Nor is it the proper role of this Court to weigh in on issues prematurely just because it might face them again in a different context. Cf. Chamber of Commerce v. EPA, 642 F.3d 192, 199 (D.C. Cir. 2011) (noting that federal courts are "without authority to render advisory opinions"

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(internal quotation omitted)). Further, as this Court has acknowledged, because EPA's interpretations of the Clean Air Act are afforded significant deference, "[i]t is more consistent with the conservation of judicial resources to make that deference-bound review after the agency has finalized its application of the relevant statutory text," which here will occur following the conclusion of EPA's review of the Rule, and, if appropriate, further administrative proceedings. Am. Petroleum Inst., 683 F.3d at 389.

Moreover, there is no doubt that postponing judicial review here will conserve judicial resources. As Intervenors concede, "litigation of the petitions in No. 17-1014 is in its earliest stages with no briefing schedule set and relatively little investment of time and resources by the parties or the Court." Int. Opp. at 5. The parties and the Court should not be forced to expend resources to prepare, file, and argue briefs in this matter where no briefing has yet begun and where EPA is already reviewing the Clean Power Plan and has announced potential administrative proceedings. In addition, holding these cases in abeyance would preserve judicial resources by obviating the need for the Court to rule on the pending motions to sever certain of these petitions and consolidate them instead with the original Clean Power Plan proceedings in West Virginia v. EPA. See, e.g., ECF Nos. 1663047, 1668921, 1668929, 1668952, 1670187.

Intervenors' further insinuation that EPA's abeyance request is improper because the abeyance would be "indefinite" is unsupported. Int. Opp. at 4. The fact

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that the requested abeyance will continue until EPA has concluded its administrative proceedings is not improper, even where the full length of the abeyance is not yet known. In Devia, for example, this Court – following full briefing – placed a challenge to a Nuclear Regulatory Commission licensing decision in open-ended abeyance, fully recognizing that such abeyance period could last a period of years. 492 F.3d at 424; see also Case No. 05-1419, ECF No. 1667424 (reflecting that Devia remains in abeyance 10 years later).

Finally, Intervenors would not be harmed by the abeyance, regardless of its duration. Intervenors do not allege, and cannot demonstrate, any prejudice arising from a delay of these petitions challenging the Denial Action, which Intervenors support. Whatever Intervenors' contentions as to the effects of an abeyance in related challenges, a delay in adjudication of the EPA's Denial Action itself would have no effect on Intervenors' interests. Intervenors admit as much in their response, in which they express support for a delay in briefing of the Denial Action until the Court rules in West Virginia v. EPA. Int. Opp. at 5-6. Meanwhile, the petitioners whose administrative petitions were denied, and who seek relief from this Court, support abeyance. See Petitioners' & Movant Petitioner-Intervenors' Response in Support, ECF No. 1670432.

On the other hand, abeyance would avoid compelling the United States to represent the current Administration's position on substantive questions that are being considered in an ongoing administrative process. Proceeding with the litigation

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would prejudice EPA as it would likely be unable to represent the Administration's conclusive position, and could call into question the integrity of the administrative proceedings. Given the prejudice to the United States, and in the absence of prejudice to any party seeking relief from the Court, see Devia, 492 F.3d at 427 (explaining that the inquiry into hardship largely relates to the "the degree and nature of the regulation's present effect on *those seeking relief*" (emphasis in original)), EPA's request for an abeyance should be granted.

CONCLUSION

Wherefore, for the reasons set forth above and in EPA's opening motion, EPA's Motion to Hold Cases in Abeyance should be granted.

Respectfully submitted,

BRUCE S. GELBER
Deputy Assistant Attorney General

DATED: April 12, 2017 BY: */s/ Eric G. Hostetler*

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Fed. R. App. P. Rule 27(d)(2) because it contains approximately 1,451 words according to the count of Microsoft Word and therefore is within the word limit of 2,600 words.

Dated: April 12, 2017

/s/ *Eric G. Hostetler*
Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Reply in Support of EPA's Motion to Hold Cases in Abeyance have been served through the Court's CM/ECF system on all registered counsel this 12th day of April, 2017.

/s/ *Eric G. Hostetler*
Counsel for Respondent

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ORAL ARGUMENT REMOVED FROM CALENDAR

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NORTH DAKOTA, ET AL.,	)	
	)	
Petitioners,	)	No. 15-1381 (and
	)	consolidated cases)
v.	)	
	)	
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	
	)	

REPLY IN SUPPORT OF EPA'S MOTION TO
HOLD CASES IN ABEYANCE

INTRODUCTION

Two months after his inauguration, the President of the United States issued an Executive Order directing the Environmental Protection Agency ("EPA" or the "Agency") to immediately take all steps necessary to review the 111(b) Rule[1] at issue in these cases. The Executive Order also instructs EPA to, if appropriate and as soon as practicable, publish for notice and comment a proposed rule suspending, revising, or rescinding the 111(b) Rule.

[1] This Reply uses the same short forms and acronyms introduced by EPA's motion. *See generally* Notice of Executive Order, EPA Review of Rule and Forthcoming Rulemaking and Motion to Hold Cases in Abeyance, ECF No. 1668276 ("Motion") (filed March 28, 2017).

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EPA immediately followed the direction of the Executive Order, as it must, by announcing its initiation of review of the 111(b) Rule and potential forthcoming rulemaking. As a result of these very consequential developments, further judicial proceedings are unwarranted at this time. Therefore, EPA immediately requested that these cases be held in abeyance to avoid unnecessary adjudication or interference with the current administrative process.

Respondent-Intervenors urge this Court to continue judicial proceedings and "provide clarity to EPA should it in fact seek to revise the Rule."[2] But it is not the proper role of this Court to try to shape a potential forthcoming rulemaking through an advisory opinion, particularly where doing so would intrude upon EPA's authority to interpret and implement a statute it administers and upon the new Administration's authority to change legal and policy positions. Abeyance will thus avoid an advisory opinion on issues that may become moot, preserve the integrity of the administrative process, and conserve judicial resources.

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[2] Opposition of State Intervenors to EPA's Motion to Hold Cases in Abeyance, ECF No. 1669738 ("State Opp."), at 2. See also Respondent-Intervenor Public Health and Environmental Organizations' Opposition to Motion to Hold Cases in Abeyance, ECF No. 1669762 ("Envt'l Opp.").

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ARGUMENT

I. The Executive Order and Current Review of the 111(b) Rule Warrant Abeyance.

Contrary to Respondent-Intervenors' claims, the Executive Order, EPA's current review of the 111(b) Rule, and its advanced notice of forthcoming rulemaking provide compelling grounds for abeyance. These are substantial new developments that relate directly to the subject matter of this litigation. Abeyance would allow EPA to properly conduct its review and any forthcoming rulemaking in accordance with the terms of the Executive Order and its obligations under the Clean Air Act, without continuing at this time with further judicial proceedings that may interfere with the current administrative process.

Environmental Respondent-Intervenors suggest that EPA's abeyance motion is "late" because it was filed after the completion of briefing and three weeks before the scheduled oral argument. Envt'l Opp. at 6. But as all parties are well aware, the current Administration took office on January 20, 2017, *after* all of the parties' proof briefs had been filed and oral argument had been scheduled. See ECF No. 1632712 (briefing schedule order); ECF No. 1649008 (order scheduling argument). A new administration is perfectly entitled to consider a change in policy course, even if there is pending litigation over the particular policy matter. See Motor Vehicle Mfrs. Ass'n v. State Farm Mutual

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Auto. Ins. Co., 463 U.S. 29, 59 (1983) ("A change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations.") (Rehnquist, J., concurring in part and dissenting in part). Here, the Executive Order and concomitant required review process constitute transformative developments on the matter at issue in these cases, rendering the present claims unfit for further judicial proceedings at this time.

EPA filed its abeyance motion at the earliest opportunity, and the fact that this litigation may be at a relatively advanced stage is immaterial. Abeyance would "protect the agency's interest in crystallizing its policy before that policy is subjected to judicial review and the court's interest in avoiding unnecessary adjudication." Am. Petroleum Inst. ("API") v. EPA, 683 F.3d 382, 387 (D.C. Cir. 2012); see also Devia v. Nuclear Regulatory Comm'n, 492 F.3d 421 (D.C. Cir. 2007) (dismissing challenge to agency action as not ripe following merits briefing and supplemental briefing).[3] In short, the Agency's policy with respect to the 111(b) Rule is under review and issues concerning the Rule are unfit for further judicial proceedings.

[3] EPA appreciates a case may sometimes become unfit after the expenditure of party and court resources, but sunk costs, no matter how large, do not warrant an unnecessary judicial adjudication which may interfere with ongoing administrative proceedings and needlessly result in the further expenditure of resources.

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II. Abeyance Will Conserve Judicial Resources.

There should also be no doubt that postponing judicial review will conserve judicial resources. Denying this motion as Respondent-Intervenors suggest would require the parties to argue, and this Court to hear argument of and then consider, numerous issues that may be rendered entirely moot by the outcome of EPA's review and further rulemaking proceedings. Abeyance would avoid compelling the United States to represent the current Administration's position on substantive questions that are being considered in an ongoing administrative process. Proceeding with the litigation and requiring the United States to prematurely opine on issues under review by the new Administration would prejudice EPA and could raise questions concerning the integrity of administrative proceedings.

Respondent-Intervenors speculate that if the issues raised by Petitioners' and Petitioner-Intervenors' filed briefs are not decided now, "[those issues] are likely to return in any future rulemaking and subsequent litigation." State Opp. at 8; see also Envt'l Opp. at 10-12. Whether any given issue will remain relevant will depend upon exactly what EPA does following its current administrative review, the basis for that action, and how that action affects interested parties. If the Court does face some of the same issues in the future, those issues might well be presented in a completely different context and posture, with potentially different administrative interpretations supporting

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EPA's legal judgments and a different administrative record supporting revised scientific conclusions.

In any event, this Court should not weigh in on issues prematurely just because it might face them again in a different context, as doing so would amount to nothing more than an advisory opinion. Cf. Chamber of Commerce v. EPA, 642 F.3d 192, 199 (D.C. Cir. 2011) (noting that federal courts are "without authority to render advisory opinions") (internal quotation and citation omitted). Further, as this Court has acknowledged, because EPA's interpretations of the Clean Air Act are afforded significant deference, "[i]t is more consistent with the conservation of judicial resources to make that deference-bound review after the Agency has finalized its application of the relevant statutory text," which here will occur following the conclusion of EPA's review of the Rule, and, if appropriate, further administrative proceedings. API, 683 F.3d at 389.

III. Respondent-Intervenors Would Not Be Prejudiced by an Abeyance.

State Respondent-Intervenors do not claim hardship from the deferral of further judicial proceedings, other than a desire for "clarity." State Opp. at 2. Environmental Respondent-Intervenors, for their part, contend that granting abeyance would cause them prejudice because it would "leave a long-sought rule in legal limbo." Envt'l Opp. at 17. However, these concerns are

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wholly insufficient to demonstrate meaningful harm, whereas the continuance of judicial proceedings raises the real prospect of prejudicing EPA and the current administrative process. Respondent-Intervenors cannot demonstrate any prejudice to their interests from granting an abeyance, and further judicial proceedings should be deferred.[4]

CONCLUSION

Wherefore, for the reasons set forth above and in EPA's opening motion, EPA's Motion to Hold Cases in Abeyance should be granted.

Respectfully submitted,

BRUCE S. GELBER
Deputy Assistant Attorney General

DATED: April 12, 2017 BY: /s/ *Brian H. Lynk*

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[4] Respondent-Intervenors claim EPA "may abandon[] its planned review," citing the circumstances of Mississippi v. EPA, 744 F.3d 1334 (D.C. Cir. 2013). State Opp. at 7-8; see also Envt'l Opp. at 9. However, the review of the 111(b) Rule is current and ongoing, not tentative or planned. Any suggestion that EPA would abandon this review is speculative and contradicts EPA's decision to adhere to the specific review terms of the Executive Order.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Fed. R. App. P. Rule 27(d)(2) because it contains approximately 1332 words according to the count of Microsoft Word and therefore is within the word limit of 2,600 words.

Dated: April 12, 2017

/s/ *Brian H. Lynk*
Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Reply in Support of EPA's Motion to Hold Cases in Abeyance have been served through the Court's CM/ECF system on all registered counsel this 12th day of April, 2017.

/s/ *Brian H. Lynk*
Counsel for Respondent

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Regulatory Updates – April 2017

Recently Signed Rules

A final rule concerning the **Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements** was signed 3/29/17. The EPA is amending the electronic reporting requirements for the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (also known as the Mercury and Air Toxics Standards (MATS)) to allow for the temporary submission, through 6/30/18, of certain reports using the portable document file (PDF) format and to correct inadvertent errors. This extension will allow the EPA the necessary time to develop, implement, and test the code necessary so that all MATS reports required to be submitted electronically can be submitted using the Emissions Collection and Monitoring Plan System Client Tool (ECMPS). This action is scheduled to publish in the **Federal Register** on 4/6/17.

Recently Published Rules

A **Notice of Requests for Approval of an Alternative Means of Emission Limitation at Chevron Phillips Chemical Company LP** was signed 3/14/17, and published in the **Federal Register** 4/4/17, at 82 FR 16392. This action provides public notice and solicits comment on the alternative means of emission limitation request from Chevron Phillips Chemical Company LP (CP Chem), requested under the Clean Air Act, to operate a multi-point ground flare (MPGF) at their new ethylene plan in Baytown, Texas, and an MPGF at their new polyethylene plant in Old Ocean, Texas. Comments must be received on or before 5/4/17.

The **Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Compliance Assurance Monitoring Program** notice was signed 3/15/17, and published in the **Federal Register** 3/30/17, at 82 FR 15705. The EPA has submitted an information collection request (ICR), "Compliance Assurance Monitoring Program," (40 CFR part 64) (EPA ICR No. 1663.09, OMB Control No. 2060-0376), to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through 3/31/17. Public comments were previously requested via the **Federal Register** (81 FR 44860) on 7/11/16, during a 60-day comment period. This notice allows for an additional 30 days for public comments. Additional comments may be submitted on or before 5/1/17.

The **Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Consumer Products (Renewal)** notice was signed 2/24/17, and published in the **Federal Register** 3/22/17, at 82 FR 14714. The EPA is planning to submit an information collection request (ICR), "National Volatile Organic Compound Emission Standards for Consumer Products (40 CFR part 59, subpart C) (Renewal), OMB Control No. 2060-0348, EPA ICR No. 1764.07," to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act. Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection. This is a proposed extension of the ICR, which is currently approved through 6/30/17. Comments must be submitted on or before 5/22/17.

A notice announcing the **Withdrawal of Proposed Rules: Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; and Clean Energy Incentive Program Design Details** was signed 3/28/17, and published in the **Federal Register** 4/3/17, at 82 FR 16144. The EPA is withdrawing the 10/23/15, proposals for a federal plan to implement the greenhouse gas emission guidelines (EGs) for existing fossil fuel-fired electric generating units, for model trading rules for implementation of the EGs, and for amendments to the Clean Air Act 111(d) framework regulations, and the 6/30/16, proposed rule concerning design details of the Clean Energy Incentive Program.

A notice announcing **Review of the Clean Power Plan** was signed 3/28/17, and published in the **Federal Register** 4/4/17, at 82 FR 16329. The EPA announces that it is reviewing and, if appropriate, will initiate proceedings to suspend, revise, or rescind the Clean Power Plan (80 FR 64662, 10/23/15).

A notice announcing **Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units** was signed 3/28/17, and published in the **Federal Register** 4/4/17, at 82 FR 16330. The EPA announces that it is reviewing and, if appropriate, will initiate proceedings to suspend, revise, or rescind the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units (80 FR 64510, 10/23/15).

A notice announcing **Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources** was signed 3/28/17, and published in the **Federal Register** 4/4/17, at 82 FR 16331. The EPA announces that it is reviewing the 2016 Oil and Gas New Source Performance Standards and, if appropriate, will initiate proceedings to suspend, revise, or rescind this rule (81 FR 35824, 6/3/16).

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Lamason, Bill
Sent: Wed 4/12/2017 12:18:43 PM
Subject: Can we talk before 9?

I was not invited to the meeting so just ensuring that's the plan. Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy Also, would like to talk about Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy Thanks! Bill

To: Hambrick, Amy[Hambrick.Amy@epa.gov]; Barnett, Keith[Barnett.Keith@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Lassiter, Penny[Lassiter.Penny@epa.gov]; Schell, Bob[Schell.Bob@epa.gov]
Cc: Conner, Lisa[Conner.Lisa@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]
From: Eck, Janet
Sent: Mon 4/10/2017 12:59:31 PM
Subject: FW: April 2017 Tiering Exercise

Please let me know the names of anyone interested in participating on any of the following work groups by COB Tuesday, 4/19. Thanks.

From: Farrar, Wanda
Sent: Friday, April 07, 2017 6:21 PM
Subject: April 2017 Tiering Exercise

Following you will find the actions being tiered for the month of April. Please review the attached tiering actions to identify whether your office would like to participate. You should provide the title and SAN of the rule, as well as, the workgroup participant's name to me by Wednesday, April 19, 2017. Thanks.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Zenick, Elliott[Zenick.Elliott@epa.gov]
Cc: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Dunkins, Robin
Sent: Thur 4/6/2017 3:27:48 AM
Subject: Re: Your voicemail

I will look for time tomorrow.

Robin Dunkins, Leader
Natural Resources Group
OAR/OAQPS/SPPD
RTP, NC 27711
Office: 919-541-5335
Cell: 919-605-1178
dunkins.robin@epa.gov

On Apr 5, 2017, at 9:19 AM, Zenick, Elliott <Zenick.Elliott@epa.gov> wrote:

Ex. 5 - Attorney Client

From: Dunkins, Robin
Sent: Wednesday, April 5, 2017 9:09 AM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: Your voicemail

Ex. 5 - Attorney Client

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

On Apr 5, 2017, at 9:00 AM, Zenick, Elliott <Zenick.Elliott@epa.gov> wrote:

Ex. 5 - Attorney Client

From: Dunkins, Robin
Sent: Wednesday, April 5, 2017 8:59 AM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Cc: Koerber, Mike <Koerber.Mike@epa.gov>; South, Peter <South.Peter@epa.gov>
Subject: Fwd: Your voicemail

FYI. No word on what happened with Waste Management meeting.

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

Begin forwarded message:

From: "Brooks, Becky" <Brooks.Becky@epa.gov>

Date: April 5, 2017 at 8:43:35 AM EDT
To: "Dunkins, Robin" <Dunkins.Robin@epa.gov>
Subject: Your voicemail

Hi Robin – I received your voicemail. We have not heard anything about this past Friday's meeting w/Waste Management. OLEM was not invited to participate, and the Special Assistant that we work closely with in the AO was also asked not to attend. If I should hear anything, I will let you know.

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

To: Cozzie, David[Cozzie.David@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]
From: McLamb, Marguerite
Sent: Wed 4/5/2017 7:12:00 PM
Subject: Re: Review of Oil and Natural Gas Sector.docx

David,

Thanks for sending this and weighing in on the approach. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Best,

Marguerite

From: Cozzie, David
Sent: Wednesday, April 5, 2017 2:45 PM
To: McLamb, Marguerite; Culligan, Kevin; Fruh, Steve
Subject: Review of Oil and Natural Gas Sector.docx

All,

Here is the first cut on ONG. **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

David

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
Cc: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Zenick, Elliott
Sent: Wed 4/5/2017 1:19:04 PM
Subject: RE: Your voicemail

Ex. 5 - Attorney Client

From: Dunkins, Robin
Sent: Wednesday, April 5, 2017 9:09 AM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: Your voicemail

We've only discussed within our group and very general discussion at division level. The table Nick and Andy developed and requested OGC insight outlines the issues and we have a position we would recommend on each item but we haven't briefed that up the chain.

We've started discussions on impact of EO on climate rules, however, that focus is just on CPP, 111b, and oil and gas.

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

On Apr 5, 2017, at 9:00 AM, Zenick, Elliott <Zenick.Elliott@epa.gov> wrote:

> Thanks. Where are we on figuring out what we would recommend with respect to reconsideration? Have you all started to consider the impact of the EO on climate rules?

From: Dunkins, Robin
Sent: Wednesday, April 5, 2017 8:59 AM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Cc: Koerber, Mike <Koerber.Mike@epa.gov>; South, Peter <South.Peter@epa.gov>
Subject: Fwd: Your voicemail

FYI. No word on what happened with Waste Management meeting.

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

Begin forwarded message:

> **From:** "Brooks, Becky" <Brooks.Becky@epa.gov>
> **Date:** April 5, 2017 at 8:43:35 AM EDT
> **To:** "Dunkins, Robin" <Dunkins.Robin@epa.gov>
> **Subject: Your voicemail**
>
> Hi Robin – I received your voicemail. We have not heard anything about this past Friday's meeting w/Waste Management. OLEM was not invited to participate, and the Special Assistant that we work closely with in the AO was also asked not to attend. If I should hear anything, I will let you know.
>
> *Becky Brooks*
>
> *Special Assistant*

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Harvey, Reid[Harvey.Reid@epa.gov]
From: Callaghan, Caitlin
Sent: Mon 4/3/2017 5:05:18 PM
Subject: RE: FR notices on CPP

Thanks...haven't had a chance to check yet today, so that helps a lot!

Caitlin

Caitlin A Callaghan, PhD/JD
Chemical Engineer, Transmission Permitting & Technical Assistance Division
Program Lead, Electricity Policy Technical Assistance Program
Office of Electricity Delivery & Energy Reliability | U.S. Department of Energy
1000 Independence Ave, SW | Washington, DC 20585
202.287.6345 office | 240.477.0478 mobile | 202.586.1472 fax
caitlin.callaghan@hq.doe.gov | http://www.oe.energy.gov

Media Inquiries: Contact the Office of Public Affairs at (202) 586-4940 or DOENews@hq.doe.gov.

From: Culligan, Kevin <Culligan.Kevin@epa.gov>
Sent: Monday, April 3, 2017 12:58:48 PM
To: Callaghan, Caitlin
Cc: Harvey, Reid
Subject: FR notices on CPP

Caitlin,

Two notices announcing our review of both the 111(b) and (d) rules will be in the FR tomorrow. You can read them in the pre-release version today: weblink (https://www.federalregister.gov/public-inspection/current) – scroll down to EPA.

In today's FR we published a withdrawl of the October 15, 2015, Federal Plan/Model rule proposal - https://www.gpo.gov/fdsys/pkg/FR-2017-04-03/pdf/2017-06518.pdf

Hope this helps.

- Kevin

To: Zenick, Elliott[Zenick.Elliott@epa.gov]; Marks, Matthew[Marks.Matthew@epa.gov]; Vijayan, Abi[Vijayan.Abi@epa.gov]; Conrad, Daniel[conrad.daniel@epa.gov]; Jordan, Scott[Jordan.Scott@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Lifland, David[Lifland.David@epa.gov]
Cc: Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]
From: Skinner-Thompson, Jonathan
Sent: Mon 4/3/2017 2:11:18 PM
Subject: Skinner-Thompson, Jonathan has invited you to 'CPP Review '

This is the SharePoint Site for the CPP Review team.

Go to CPP Review

Follow this site to get updates in your newsfeed.

Get the OneDrive mobile app! Available for

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Macedonia, Jennifer
Sent: Thur 3/30/2017 1:28:30 PM
Subject: FW: State Officials Respond to Trump's Climate Executive Order

In case you missed it..

From: Mulholland, Denise
Sent: Wednesday, March 29, 2017 4:15 PM
To: OAR-OAP-CPPD-SLB <OAROAPCPPDSLB@epa.gov>; Snyder, Carolyn <Snyder.Carolyn@epa.gov>; Moss, Jacob <Moss.Jacob@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Conlin, Beth <Conlin.Beth@epa.gov>; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Sherry, Christopher <Sherry.Chris@epa.gov>; Macedonia, Jennifer <macedonia.jennifer@epa.gov>
Subject: FW: State Officials Respond to Trump's Climate Executive Order

FYI -

From: Georgetown Climate Center [mailto:climate@law.georgetown.edu]
Sent: Wednesday, March 29, 2017 4:00 PM
To: Mulholland, Denise <Mulholland.Denise@epa.gov>
Subject: State Officials Respond to Trump's Climate Executive Order

News and Updates

State Officials Respond to Trump's Executive Order that Seeks to Reverse Federal Climate Policy

Following yesterday's executive order by President Donald Trump that directs a review of the Clean Power Plan and rescinds other federal actions that sought to curb carbon pollution and prepare for climate change impacts, many states pledged to continue moving forward with their leadership on climate, clean energy, and adaptation.

Governors, attorneys general, and other senior state officials from 19 states and the District of Columbia reaffirmed their commitment to climate action. See the link below to statements from senior officials representing California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Iowa, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

The Georgetown Climate Center is tracking responses to the executive order on our website.

READ STATE STATEMENTS HERE

About Trump's Executive Order

The executive order:

- Directs EPA to review - and revise or rescind - the Clean Power Plan, a rule to reduce carbon pollution from existing power plants, as well as a companion rule to reduce carbon pollution from new power plants.
- Reverses requirements that agencies consider the risks posed by climate change to their missions, programs and facilities, which will undermine the ability of the federal government to prepare for future impacts.
- Directs the Council on Environmental Quality to rescind its guidance on incorporating consideration of climate change into environmental reviews under the National Environmental Policy Act.
- Directs EPA to review - and revise or rescind - its rule on reducing methane emissions from new sources in the oil and gas industry.
- Recinds the federal government's "social cost of carbon" metric.
- Lifts all moratoria on federal land coal leasing activities.

SafeUnsubscribe™ mulholland.denise@epa.gov

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Sent by climate@law.georgetown.edu

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Ashley, Jackie
Sent: Wed 3/29/2017 5:12:46 PM
Subject: FW: News Clips - March 29, 2017

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Bremer, Kristen
Sent: Wednesday, March 29, 2017 12:50 PM
Subject: News Clips - March 29, 2017

News Clips – March 29, 2017

Executive Order

- The big announcement is over. What happens now? *(Climatewire)*
- Trump lawyers ask court to halt climate rule case *(The Hill)*
- Trump order scrambles epic legal standoff *(Energywire)*
- Dem states pledge climate action in face of Trump roll-back *(The Hill)*
- Trump executive order reveals cracks in GOP approach *(E&E Daily)*
- Ex-Obama team distressed as Trump guts climate regs *(Politico)*
- New EPA chief plans 'humble' approach to regulating CO2 emissions *(CNBC)*

Paris Agreement

- Trump climate move risks unraveling Paris commitments *(The Hill)*
- Exxon asks White House to stay in *(Greenwire)*

In Science

•□□□□□□□□ National Academies panel endorses human air pollution tests *(Greenwire)*

•□□□□□□□□ Campaign to spread climate doubt picks up steam *(Climatewire)*

Budget

•□□□□□□□□ White House outlines more cuts for energy, environment *(Greenwire)*

•□□□□□□□□ White House Seeks To Start EPA's Budget Cuts In FY17, Sparking New Fight *(InsideEPA)*

Opinion

•□□□□□□□□ President Trump Risks the Planet *(The New York Times)*

•□□□□□□□□ Trump is on a rampage to endanger the planet. Now it's up to us to save it. *(The Washington Post)*

…And in Happier News

•□□□□□□□□ Meet The Woman Rescuing Fruit and Feeding Her Community *(The Huffington Post)*

The big announcement is over. What happens now?

Climatewire

By: Niina Heikkinen and Evan Lehmann

Published: Wednesday, March 29, 2017

President Trump never uttered the words "climate change" yesterday as he snuffed out former President Obama's plans to curb greenhouse gas emissions.

Speaking at U.S. EPA headquarters, flanked by coal executives and their employees, Trump said the "energy independence" executive order would usher in a "new era of energy" that would eliminate federal overreach, shower the country with wealth and put miners back to work. The president singled out the Clean Power Plan, Obama's rule to curb emissions from the power sector, as the greatest regulatory threat to coal miners.

"We are going to have clean coal, really clean coal. We are going to cancel job-killing regulations — by the way, regulations not only of this industry but every industry. We are going to have safety, clean water and clean air, but so many [regulations] are unnecessary, and so many are job-killing," Trump said.

"You know what this is?" Trump asked the miners as he prepared to sign the order. "You are going back to work. Ready?"

That neither Trump nor EPA Administrator Scott Pruitt, Vice President Mike Pence, Energy Secretary Rick Perry or Interior Secretary Ryan Zinke, nor any of the two dozen lawmakers or industry leaders in the EPA Map Room mentioned climate change yesterday was not a coincidence. The executive order is the latest and most sweeping step in the administration's unabashed effort to weaken or eliminate federal efforts to study climate science, curb carbon and protect vulnerable parts of the United States from flooding and sea-level rise.

In addition to rolling back the Clean Power Plan, the order targets EPA and Bureau of Land Management regulations on methane emissions from the oil and gas sector. It reopens BLM regulations on hydraulic fracturing, eliminates Obama's Climate Action Plan and cuts down federal calculations of the social cost of greenhouse gas emissions. The Department of Energy, Trump said, will have a role in fostering employment in the energy sector.

"Together, we will create millions of American jobs, also so many energy jobs, and really lead to

unbelievable prosperity all throughout our country, and Rick Perry is going to have a lot to do with that," he said.

'People need to see mines reopening'

The order stands to reinforce the idea that Trump is deeply suspicious of climate science, even as his advisers seek to soften his past statements about its being a conspiracy by the Chinese and Democrats.

White House press secretary Sean Spicer was asked yesterday during the White House daily briefing if Trump still believes that climate change is a hoax. Spicer didn't dispute it. Instead, he said the president would talk about "the climate and what he believes" when he signed yesterday's order. That didn't happen.

"He does not believe that, as I mentioned at the outset, that there is a binary choice between job creation, economic growth and caring about the environment," Spicer said. "I think, at the end of the day, where we should be focusing on is making sure that all Americans have clean water, clean air, and that we do what we can to preserve and protect our environment."

The president's focus on coal yesterday harked back to promises he had made for more than a year to reopen coal mines and put workers in hard hats and reflective stripes back to work. The order yesterday began a countdown to making those promises real. Announcing the end of a rule, which miners detest, is one thing. Putting them back to work is another.

Many experts say there's no easy way to resuscitate Appalachian coal towns, which face bigger challenges than government regulations, like plentiful and cheap natural gas. Spicer said yesterday that the administration hasn't estimated how many jobs might be created by rolling back the Clean Power Plan.

Earlier this week, a senior administration official acknowledged that several pressures "conspire" to affect the coal industry, with regulations being just one of them. The president doesn't influence all of them, but he will do his part to make government a better friend to coal, the

official said.

The question is whether that's enough. Miners were happy yesterday, but if they continue to feel as if the dice are weighted against them, some of them might begin to see Trump as just another Washington politician.

"I think people need to see mines reopening," said Glen Bolger, a Republican pollster. "There's risk in everything in politics. You can't deliver on everything. But you have to deliver enough things."

States plan to fight

Actually rolling back the Clean Power Plan will likely be a multi-month process, blighted by legal challenges if EPA tries to get rid of the rule without putting in a replacement. That is because the agency is under a legal obligation to act, first because greenhouse gases are an air pollutant, and second because those greenhouse gases endanger public health and welfare, said Steven Silverman, a former EPA attorney under President Obama.

"Leaving nothing in place I don't think is a legal option, so long as the endangerment finding stands," said Silverman.

He noted that EPA has a lot of discretion to weigh cost, feasibility and lead time while writing regulations but would still have to account for facts already compiled in the administrative record that were used to justify the creation of current regulations.

"There would be legal ways to adopt significantly less stringent standards to pass legal muster. I can think of some, but I don't want to tell them," Silverman said.

Though the Trump administration has singled out the Clean Power Plan as a main culprit in killing coal jobs, Silverman pointed out that the Obama administration saw at least the new

source standard for power plants as a "lifeline, not an albatross," for the coal industry.

"It's a technology that captures emissions, it can put those CO2 captured emissions to product use, for enhanced oil recovery for example, or safely sequestered. It's a way for that industry to coexist with a world that is trying to cope with climate change," he said.

New York Attorney General Eric Schneiderman (D) said his office would oppose efforts by Trump's Department of Justice to freeze the case currently residing in the U.S. Court of Appeals for the District of Columbia Circuit, as instructed by the executive order.

"We intend to oppose any effort to hold in abeyance the litigation to defend the Clean Power Plan and any effort to roll it back," Schneiderman told reporters yesterday.

Predictable reactions from right and left

In the hours before Trump made his first appearance at the agency, EPA headquarters closed its shades in preparation for the president's arrival, as heightened security patrolled the grounds. Staff mulled the consequences of the administration's recent actions on the agency.

"People are just keeping their doors shut. The president coming here is a deliberate stick in our eye," said one employee, who worked in enforcement of the Clean Water Act but declined to give his name.

"Keep calm and carry on is the mantra," said another EPA staffer. "Hopefully, everything will get straightened out," she added.

Fossil fuel leaders cheered the order.

"Today's action by President Trump calls on his administration to review existing federal agency policies that have held back American energy production, rescinding rules that have limited our economic growth with little benefit," Independent Petroleum Association of America President Barry Russell said in a statement.

The reactions on Capitol Hill, meanwhile, underscored the partisan divisions on climate change. Republicans in energy-rich states celebrated the administration's hands-off approach to fossil fuel development. They represent industries that for years have suggested that Obama's actions symbolize a social prejudice against oil and coal.

"After eight years of radical environmental policies from the White House, we now have a president focused on bringing coal jobs back," said Rep. Evan Jenkins (R-W.Va.).

Democratic argued that Trump's move would only introduce uncertainty into the business environment and would do nothing to create an economic boost. Sen. Sheldon Whitehouse (D-R.I.) predicted that the regulatory rollback would be unlikely to survive court challenge, particularly as Pruitt plans to keep the Obama-era endangerment finding for carbon intact.

"I don't think he has a lot of real running room rather than to delay for a bit and wait for that litigation," said Whitehouse. "They're playing with fire here, and I think they're going to find that they'll be burning their fingers."

In the evening, scores of environmental activists gathered in front of the White House to condemn the executive order. Holding up signs demanding clean air and climate justice, they criticized the administration for rolling back clean energy initiatives that boosted both local economies and health, saying that the order provided businesses with a green light to pollute.

Sen. Ed Markey (D-Mass.), who also attended the rally, encouraged the public to fight Trump and the "Big Oil cartel."

"Today, Donald Trump did not sign an executive order. He signed a declaration of war against a clean energy revolution, against climate change as a science," he said, adding that the order was

a symptom of climate denial, rather than a step toward energy security.

"[W]e know what his formula is on climate change: Deny, delay, defund — and it will create a disaster for the entire planet," said Markey.

Laura Anderko, director of Georgetown University's Mid-Atlantic Center for Children's Health and the Environment, said that the Clean Power Plan would have saved 300,000 sick days a year if implemented through 2030, as well as prevented 90,000 asthma attacks in children on an annual basis.

"We need to help the administration understand that clean air means good health," she said.

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Trump lawyers ask court to halt climate rule case

The Hill

By: Timothy Cama

Published: March 29, 2017

Trump administration attorneys are asking an appeals court to hold off on ruling on whether the Environmental Protection Agency's (EPA) Clean Power Plan is legal.

In a filing late Tuesday, attorneys notified the court that President Trump had signed an executive order earlier that day asking the EPA to consider repealing the climate change regulation, and that EPA administrator Scott Pruitt had officially started that process.

Given those circumstances, the Court of Appeals for the District of Columbia should put a pause on proceedings until the new regulatory process for potential repeal is complete, they said.

"The Clean Power Plan is under close scrutiny by the EPA, and the prior positions taken by the agency with respect to the rule do not necessarily reflect its ultimate conclusions," the Justice Department attorneys wrote.

"EPA should be afforded the opportunity to fully review the Clean Power Plan and respond to the president's direction in a manner that is consistent with the terms of the executive order, the Clean Air Act, and the agency's inherent authority to reconsider past decisions. Deferral of further judicial proceedings is thus warranted," they said.

The appeals court is considering a lawsuit filed by a coalition of conservative states, energy companies, business interests and others, who sued to stop the rule in 2015 after the Obama administration finalized it. Pruitt, who was Oklahoma's attorney general at the time, was one of the leading challengers.

Ten of the court's justices heard oral arguments in September in the case, and could rule any day on whether the limits on carbon dioxide emissions for power plants are legal and constitutional.

But Trump's Tuesday order effectively flips the government's position from defending the rule to opposing it.

The court is not obligated to heed the Trump administration's request. And even though the EPA is nearly certain to repeal the rule, the court could still uphold it.

Additionally, environmental groups, Democratic states and other supporters of the regulation may ask the court to continue its proceedings, with the rule's supporters acting to defend it.

Trump's Tuesday order was wide-ranging, targeting not just the Clean Power Plan, but nearly all

of Obama's executive actions and regulations on climate change.

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Trump order scrambles epic legal standoff

Energywire

By: Ellen M. Gilmer

Published: Wednesday, March 29, 2017

President Trump's executive order aimed at scrapping Obama-era climate actions scrambles existing litigation and sets the stage for high-stakes courtroom battles to come.

The Obama administration's signature effort to address climate change is squarely in the order's crosshairs. U.S. EPA must review the Clean Power Plan — which seeks to slash greenhouse gas emissions from power plants — and work to revise or withdraw it as needed to support Trump's goal of bolstering domestic energy production.

The Justice Department has already asked an appeals court to halt litigation over the rule. In a filing last night, government lawyers argued that the case should be paused while EPA considers the executive order.

"EPA should be afforded the opportunity to fully review the Clean Power Plan and respond to the President's direction in a manner that is consistent with the terms of the Executive Order, the Clean Air Act, and the agency's inherent authority to reconsider past decisions," DOJ told the U.S. Court of Appeals for the District of Columbia Circuit. "Deferral of further judicial proceedings is thus warranted."

Supporters of the regulation have limited short-term options to combat the move but have

promised aggressive opposition of any action EPA Administrator Scott Pruitt takes to roll back the key feature of Obama's climate legacy.

Trump's order comes after years of rulemaking and litigation over the Clean Power Plan, which was finalized in 2015 and promptly challenged by a slew of states, coal companies, utilities and industry groups. The Supreme Court in early 2016 stepped in to freeze the rule while the litigation moved forward.

Ten judges from the D.C. Circuit last year waded through briefs from hundreds of parties to the litigation and heard hours of oral arguments during a fiery September showdown. Supporters and opponents of the rule have been on the lookout since then for a decision from the court, but yesterday's executive order could derail a ruling.

"The question is, what will the court do, given the fact that [the litigation has] taken this long?" said former DOJ attorney James Rubin, now at Dorsey & Whitney. "But the answer is: Who the hell knows? You can predict what courts will do, but the Clean Power Plan has been nothing but unpredictable."

Quick action

In the near term, supporters of the Clean Power Plan have limited options to battle Trump's order.

Supporters of the rule are positioned to oppose DOJ's request to pause the litigation. Environmental and public health groups, along with states and a group of power companies, have intervened in the case to defend the rule.

"It is very unusual if not unprecedented for there to be a case to be litigated this long based on an administrative record this full that goes all the way up to an en banc hearing at an appellate court and then one of the parties says, 'Well, we don't want a decision after all,'" New York Attorney General Eric Schneiderman (D) said in a call with reporters yesterday. "That is something that is extraordinarily unusual, so we would seek a ruling from the D.C. Circuit."

New York is one of more than a dozen states that intervened in support of the rule.

Natural Resources Defense Council attorney David Doniger said environmental groups are on the same page, vowing to oppose DOJ's attempt to freeze the litigation.

New York Assistant Attorney General Michael Myers, who argued for the rule in court last fall, noted that this would not be the first time intervenors have carried on defense of a government action an administration no longer supports.

Environmental lawyers defended the Clinton-era Forest Service "roadless rule" after the George W. Bush administration announced plans to reconsider it, and they played a similar role after the Bush administration walked away from an enforcement case against Duke Energy Corp.

In more recent action, environmental intervenors have moved to continue litigation over the Obama-era hydraulic fracturing rule, even though the Trump administration has announced plans to roll back the regulation. The groups have argued that legal questions over the Interior Department's authority over fracking must be answered by the court regardless of whether a rule exists (*Energywire*, March 16).

Rubin, the former DOJ lawyer, noted that the court may be inclined to grant the Trump administration's request to put the Clean Power Plan litigation on hold because courts don't like issuing "advisory opinions."

"While these are fascinating legal issues, they are all contextual," he said. "The issue of deference [to EPA's Clean Air Act interpretations] is an important issue in a vacuum, but you really have to look at the regulation you're talking about. So I would be surprised if the court, being told EPA was going to change the rule, would want to then issue an opinion on the old rule."

Plus, he noted, Clean Power Plan supporters could be playing a dangerous game in pushing for a final decision that could end up being unfavorable to them.

"You could argue that it's really important to know whether EPA has the authority to go beyond the fenceline of the plant ... but to what end?" he said. "Because EPA's not going to do that anytime soon.

"And if you make that argument and you lose, then EPA can't do that in the future," he continued, "whereas if the court doesn't rule at all and EPA changes the rule, then the hope is when EPA turns back to a Democratic administration, if ever, you can try that again."

Challenging the EO?

A more daring, if far-fetched, approach to battling Trump's assault on the Clean Power Plan would be a challenge to the executive order itself.

While such presidential actions are typically off-limits to judicial review, lawyers opposing Trump's recent immigration orders scored quick legal success as courts froze the administration's new travel restrictions.

Court watchers note, however, that yesterday's order is a different animal, with extensive regulatory proceedings on the horizon before having practical effects for the climate rule. Indeed, the directive is couched in qualifiers, telling EPA to rescind or revise the rule "if appropriate" and "to the extent permitted by law."

Case Western Reserve University law professor Jonathan Adler argued that the order is likely not ripe for a court to review.

"I don't think they really have too many options," he said in an email, referring to rule supporters. "They could try to file something preemptively (as was done with the Trump

regulatory EO), but I don't think any such action is ripe yet."

Environmental attorney Sean Donahue, who is helping to defend the rule, seemed to agree, noting that the order "doesn't have any legal effect" on the regulation.

"So I wouldn't foresee any challenges to the EO as to those regulations — just as there have been no lawsuits challenging Donald Trump's general statements about the CPP," he said in an email.

Doniger, the NRDC lawyer, said he needed to study the order more before commenting on whether environmental groups will seek to challenge it directly.

"It's truly possible that somebody goes in there and sues over the executive order and tries to make a big deal about it," Rubin said. "I don't think they're likely to get the kind of stay or litigation success you saw in the immigration case. It's a totally different context."

Playing the long game

Clean Power Plan supporters' most powerful legal tools lie in future challenges to EPA's actions.

After the agency completes its review of the rule and goes through a rulemaking process to rescind or replace it, supporters of the Obama administration's plan can challenge the final decision.

Richard Revesz, director of the Institute for Policy Integrity at New York University School of Law, said in a statement that "this is the first move of a long chess game that will take years to unfold, and future moves will be far more challenging."

If the agency opts not to replace the Clean Power Plan, environmentalists, states and allies will

point to legal precedent in Massachusetts v. EPA, in which the Supreme Court ruled that EPA has authority to regulate greenhouse gases, coupled with the agency's subsequent finding that greenhouse gases threaten human health.

"Given the case law and the statutory structure and various Supreme Court decisions, we are very confident that EPA cannot just dismantle the Clean Power Plan and leave nothing in its place," Schneiderman said. "It has to have regulations in place on greenhouse gases, and one way or another, we're going to make sure that happens."

Rumors have circulated that Pruitt plans to attempt to roll back his agency's endangerment finding for greenhouse gases, but Trump's executive order did not address the issue.

ClearView Energy Partners analyst Christi Tezak noted that while simply scrapping the Clean Power Plan would offer industry quick regulatory certainty, Trump's EPA may be inclined to instead craft a less stringent regulation that could make it tougher for a future administration to build on.

"Do they take the strategy of saying we don't need a rule altogether, which would still leave the risk, albeit in the future, that somebody comes down and creates a new regulation?" she asked. "Or do you make the attempt to fill that gap with something ... and just do it in such a way that makes it really hard for a greener-leaning administration to modify it without congressional help?"

Any attempt by EPA to replace the Clean Power Plan with a softer rule would also face legal challenges by groups that say such an effort would likely fall short of the agency's obligation to address greenhouse gases.

"We will use every step in the administrative process to block these rollbacks," Doniger said.

Schneiderman noted that an extensive administrative record supports Obama's approach, and any attempt to weaken that would have to justify a departure from a trove of existing public comments, research and agency determinations that support the Clean Power Plan's approach,

plus new comments submitted during the rulemaking process to rescind the rule.

Opponents of the rule, meanwhile, have argued that EPA could take a simpler approach to undoing the Clean Power Plan — sidestepping reconsideration of the meat of the rule and instead agreeing with challengers that the regulation is beyond the scope of the Clean Air Act.

Some have argued that the rule is barred by what's known as a "legislative glitch" in which the House and Senate passed two different versions of Clean Air Act amendments in 1990. According to one interpretation of the amendments, EPA cannot regulate power plants with the Clean Power Plan because it already regulates power plants under another section of the law (*Energywire*, Feb. 10).

Many court watchers have expressed skepticism about that approach, arguing that a court would quickly reject such a narrow interpretation of the Clean Air Act.

In any case, the Institute for Policy Integrity's Revesz warned that the Clean Power Plan rollback process and related litigation promise years of conflict.

"This issue might not be resolved before the 2020 election, so the fate of the Clean Power Plan might ultimately be determined by the winner of that election," he said.

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Dem states pledge climate action in face of Trump roll-back

The Hill

By: Reid Wilson

Published: March 28, 2017

Liberal-leaning states are promising to push forward with aggressive targets for reducing greenhouse gas emissions and developing renewable energy sources just as President Trump moved to roll back much of his predecessor's efforts to combat climate change.

In state capitols from Albany to Sacramento, Democrats lambasted the executive order Trump signed Tuesday that begins the process of rolling back the Clean Power Plan, an Obama-era rule aimed at cleaning up coal-fired power plants.

"President Trump's decision to ax the Clean Power Plan cedes U.S. global leadership and increases the risk that climate change will continue to damage our state. We can't afford to slow our efforts, and we won't," Washington Gov. Jay Inslee (D) said Tuesday.

A coalition of 17 Democratic attorneys general and city attorneys from six cities said they would consider what legal actions could be taken to block Trump's order.

"We're very confident that the EPA cannot simply dismantle the CPP and leave nothing in its place," New York Attorney General Eric Schneiderman (D) said in a conference call Tuesday afternoon. "We regret the fact that the president is trying to bow back history. But it's not going to happen. The markets are moving. The states are moving."

Inslee, Oregon Gov. Kate Brown (D), California Gov. Jerry Brown (D) and the Democratic mayors of Seattle; Portland, Ore.; San Francisco; Oakland, Calif.; and Los Angeles said in a joint statement that the new executive order "moves our nation in the wrong direction and puts American prosperity at risk."

Separately, Jerry Brown and New York Gov. Andrew Cuomo (D) reaffirmed their states' commitment to reducing greenhouse gas emissions in the coming years to well below previous highs. Both states have set goals of lowering greenhouse gas emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

In both statements, the governors said collective action is necessary to combat a global problem.

New York is a member of the Regional Greenhouse Gas Initiative, a cooperation between Northeastern and Mid-Atlantic states that established a cap-and-trade program. Washington, Oregon, California and British Columbia, in northwest Canada, have signed a similar agreement.

"It doesn't make sense for Oregon to do it alone. It makes sense when we [combat climate change] on a regional basis," Kate Brown said Saturday in Seattle, where she and Inslee met to plot strategy.

Last week, California's Air Resources Board voted to implement strict emission limits on automobiles and to require automakers to get more zero-emission vehicles to market. That vote came after Trump ordered the Environmental Protection Agency (EPA) to reconsider greenhouse gas emission limits put in place by the Obama administration, limits in which California has a say under the 1970 Clean Air Act.

California must now seek a waiver from the EPA for its stricter limits. If that waiver is granted, as it was under the Obama administration, other states may adopt those same emissions limits.

Environmental groups say states taking action on climate change will enjoy the secondary benefit of cornering the market on renewable energy. New York has committed to developing wind turbines off Long Island. States like Washington and Oregon already get a huge percentage of their power from renewable hydro sources.

"Ultimately, states that lead like California, Washington and other, they are trying to capture as much of the clean energy market as possible," said Bill Holland, state policy director at the League of Conservation Voters. "The governors of states like Washington and California are acting in the real world to create economic opportunity."

But Republican-led states said the new executive order would reverse a rule that put an unfair onus on states and the energy industry.

"We're heartened by the president's latest action, which shows he's serious about returning

common sense and the rule of law to the EPA," Texas Attorney General Ken Paxton (R) said in a statement. "And we look forward to the EPA returning to the cooperative approach with the states that the Clean Air Act and Clean Water Act expressly require as it reconsiders the unlawful Clean Power Plan."

The Democratic opposition to Trump's rollback represents a new front in a burgeoning legal war between the administration and blue states, one reminiscent of the battles fought by Republican attorneys general against the Obama administration's climate actions in recent years.

In the case of the Clean Power Plan, Republican states are still fighting the Obama-era rule. A coalition of 19 Republican-led states asked the EPA earlier this month to reconsider several rules, including the Clean Power Plan, under a collaborative framework they said was envisioned by both the Clean Air Act and the Clean Water Act.

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Trump executive order reveals cracks in GOP approach

E&E Daily

By: Hannah Hess

Published: Wednesday, March 29, 2017

President Trump's executive order revealed minor cracks in the GOP's approach to climate on Capitol Hill yesterday and inspired talk of carbon pricing legislation.

Two GOP lawmakers from South Florida who have urged their party to be more accepting of climate science bucked the administration's sweeping directive on "energy independence" and called on Trump to consider the impact man-caused warming is having on sea-level rise, ocean acidification and coral reefs.

Rep. Carlos Curbelo (R-Fla.), co-founder of a bipartisan caucus that is focused on legislative approaches to mitigation and adaptation, said the rollback of emissions standards was "misguided." Rep. Ileana Ros-Lehtinen (R-Fla.) declared it "troubling" and a backward step.

"Weak environmental policies ultimately lead to the destruction of jobs and quality of life. I hope the Administration will work with me and my colleagues in the Climate Solutions Caucus to Act on this in a responsible, bipartisan way going forward, but today that is clearly not the case," Curbelo said in a statement.

Democrats vowed to defend U.S. EPA's efforts to regulate greenhouse gases and said they would try to uphold funding for the agency during the upcoming appropriations process.

They are also planning to introduce a bill to rescind the executive order Trump signed that makes good on his campaign trail pledge to unravel Obama-era plans to curtail global warming.

But they predicted most of the fight over the Clean Power Plan will play out in court.

"The heart of the battle is going to be litigation," Sen. Sheldon Whitehouse (D-R.I.) — a former state attorney general — told reporters.

Last night, the Justice Department asked the U.S. Court of Appeals for the District of Columbia Circuit to halt litigation over the rule as EPA works through Trump's executive order.

Separately, Sen. Chris Van Hollen (D-Md.) announced he would reintroduce legislation that would revive a carbon cap-and-dividend proposal he championed as a member of the House (*Greenwire*, Feb. 24, 2015).

"President Trump is either ignorant to the basic facts of climate change, or he is willfully poisoning our atmosphere to benefit Big Oil and wealthy special interests. The health and prosperity of all Americans is at risk," Van Hollen said yesterday. "We must fight back, and I

plan to reintroduce the 'Healthy Climate and Family Security Act' this spring as part of that effort."

Backlash

The legislation is similar to a proposal pitched to the White House in February by a group of senior Republican statesmen. That plan would tax carbon dioxide at the source — an oil refinery, for instance — then return the revenue directly to taxpayers in the form of a dividend check (*Greenwire*, Feb. 8).

Supporters of the idea are optimistic that Trump's "repeal-only climate strategy" will provoke significant backlash from the American public.

They point to polling that shows majorities of people in every congressional district support setting strict limits on CO2 (*Greenwire*, Feb. 28).

"At that point Republicans will be looking for a replacement plan — that is how we are positioning our plan," said Ted Halstead, founder of the Climate Leadership Council, which coordinated the carbon fee-and-dividend outreach to the West Wing.

But Republicans for the most part didn't seem worried about negative reaction to Trump's directive.

Rep. Tom Reed (R-N.Y.), one of the co-sponsors of a GOP resolution acknowledging the threat of global warming and calling for action to address it, said he believes Trump's intent is to put some type of "reasonable standard" in place.

Reed said his constituents support a "much more reasonable cost-benefit approach" to addressing climate than President Obama's Clean Power Plan and other initiatives.

"They say we've got to solve this problem, but we have to do it in a much more rational way," Reed told E&E News, pointing to tax incentives for clean energy technologies as one policy prescription.

"This action doesn't necessarily precipitate an immediate response," Reed said.

Sen. Lindsey Graham (R-S.C.), who has urged his party to work to find policy compromises to reduce greenhouse gas emissions, told E&E News that he was "OK" with Trump's directive.

Other moderates, such as Sens. Lamar Alexander (R-Tenn.) and Jeff Flake (R-Ariz.), sidestepped questions on the sweeping order, saying they had not had the chance to review it in depth.

"Whenever we can get rid of regulation and be more energy independent, it's a good thing," Flake said.

Endangerment finding

The lawmakers who most closely align with Trump on energy issues, a handful of whom attended the signing ceremony for the executive order at EPA headquarters, were heartened by his pledge to help revive the ailing coal industry.

Sen. Steve Daines (R-Mont.) said he didn't believe the president's new approach on these issues was a "trade-off" between energy development and environmental protections.

"This gets back to having a balanced approach here," he said yesterday during a conference call with reporters. "We can be pro-clean air, pro-clean water, and you can be pro-responsible natural resource development."

Daines, who is chairman of the Senate Western Caucus, said that he'd "spent a lot of time listening" to his constituents on the issue and that "most Montanans" believe there needs to be a balanced energy portfolio that includes coal, oil and natural gas, but also hydro, wind and solar power.

"Coal keeps the lights on, literally and figuratively," in Montana, Daines said, saying it would be "devastating" to the state's economy to lose the tax revenues and jobs that come with energy production.

"Without a vibrant energy industry and the jobs it provides, the tax revenue it provides, our state could turn into a place that only the rich and famous will be able to recreate in," said Daines. "And the average mom and dad who wants to buy that elk tag at Walmart will no longer be able to live in Montana."

Rep. Kevin Cramer (R-N.D.) said that in a divided country there is bound to be disagreement over energy policy, but the public would likely be "very pleased" by the results of the executive order.

It directs each federal agency to identify rules and policies that "potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources."

Cramer suggested there could still be a "reasonable way" to work on emissions reductions.

"But I think to sort of wipe the slate as clean as we can by eliminating unreasonable regulations and then start the more collaborative process — I think people will like what they are seeing," he said in an interview.

Rep. Joe Barton (R-Texas) stopped shy of criticizing Trump for taking what some conservatives consider to be a more moderate approach to the Obama administration's climate policies than

they expected (*Greenwire*, March 28).

Barton sides with those who want EPA Administrator Scott Pruitt to target the 2009 endangerment finding that allows the agency to regulate greenhouse gases under the Clean Air Act.

"I told somebody at EPA just when I went to the signing that they ought to really take a look at the endangerment finding that the Obama administration issued when they first got in office," Barton said. "I think it's very flawed and should be at a minimum revisited."

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Ex-Obama team distressed as Trump guts climate regs

Politico

By: Eric Wolff, Alex Guillen and Annie Snider

Published: March 28, 2017

Hundreds of people in the Obama administration spent years building the climate change regulations that the president hoped would mark a lasting turning point in the nation's response to global warming. But it took only a couple of months for President Donald Trump to start wiping them out.

That stunning course shift has left former Obama environmental officials and diplomats frustrated and upset — if not surprised.

"From the moment the election became clear, all of us had the months and years of work that we had done flash before our eyes," said Christy Goldfuss, who served as former President Barack Obama's top environmental adviser as the leader of the White House Council on Environmental Quality.

For Gina McCarthy, who led EPA when it issued its landmark greenhouse gas restrictions for power plants, it was no shock that Trump would seek to undo Obama's climate regulations by using the same executive power that had gone into their creation. But she said she's stunned at how fast Trump is moving.

"The approach they're taking is really a slash-and-burn approach," she told POLITICO.

"I really honestly don't know what dragon they're trying to slay here," McCarthy added. "I really don't. If they're saying EPA has done something illegal, then let the courts decide that. If they think that EPA is anti-economy, then show me some data that shows that."

McCarthy, who returned to her native Boston after the White House handover, admitted that she has turned to one of her city's tried-and-true methods of coping with frustration: "We drink a lot of coffee during the day and other things at night. And night comes earlier and earlier."

Trump took the short drive to EPA headquarters on Tuesday to stand with a group of coal miners, his EPA chief Scott Pruitt, Energy Secretary Rick Perry and Interior Secretary Ryan Zinke, and sign an executive order that started the process to undo the power plant rule. The order also repeals directives aimed at reducing the federal government's own carbon footprint, and it directs agencies to ferret out any additional policies "that potentially burden the development or use of" oil, natural gas, coal or nuclear energy.

The president also told federal regulators to stop using the "social cost of carbon," which attempts to quantify the effects of climate change, in economic analyses of future rules.

For Brian Deese, who served as Obama's energy adviser, Trump's action hit close to home. "I was in charge of everything that's in this executive order," he said.

"Of course it's frustrating," he added. "But this work and the efforts we put in place were never

about us or about President Obama, and so I'm much more focused on the road ahead and less focused on the frustration about all of the effort that our teams put in — and much more focused now on what can be done to try to keep the momentum of the transition toward keeping cleaner energy sources in place."

He noted that stock prices for coal-related companies are "down, underperforming the market by several percentage points" — which he sees as a sign that the U.S. economy's transition to cleaner energy sources "is firmly enough under way that this administration cannot fundamentally change that dynamic." And that, he argued, is partly because of the Obama team's efforts, "not only on the regulatory side, but also with respect to research and commercialization, tax incentives and otherwise. I've got that big picture in perspective today."

Trump's assault in the climate regulations was hardly a surprise — he had promised as much during the campaigns, and news reports on the timing and content of the executive order had circulated for more than a month. But waiting didn't make the outcome any easier on the Obama alumni.

"You know, we've been waiting for this thing to come out for weeks," said Goldfuss, the former White House adviser. "On the one hand we're ready for it, on the other hand it felt shittier every day that went past."

She said the EPA power plant regulation, whose final version she helped draft, "was the president's signature climate action. The day he announced those regulations for us was as influential as the health care legislation as in that issue area. It was a big day, people were overwhelmed with emotion, people were doing not only what the president wanted us to do, but what was best for the American public."

In June 2013, Obama, in short sleeves, addressed a crowd on a sweltering day Georgetown University, saying he would "refuse to condemn your generation and future generations to a planet that's beyond fixing." He ordered the federal government to change how it dealt with climate change, and called on his EPA to draw up the power plant rules — which Obama and McCarthy did two years later, on August 3, 2015.

Nancy Sutley, who headed the CEQ until 2014, pointed out that Trump's EPA is still required by

law to address the carbon emissions blamed for climate change — thanks to the agency's Obama-era scientific conclusion that greenhouse gas pollution threatens human welfare. "They're going to have to figure out something to do instead. I don't know that they'll come up with anything that's better or more thought through than what [Obama's] EPA put out."

Tuesday's order came less than a month after Trump issued another directive putting on hold an EPA rule called Waters of the U.S., which a federal court had already frozen while it considered legal challenges from farmers, homebuilders and 31 states. The White House order on that rule left former EPA water chief Ken Kopocis and his agency colleagues "devastated," he said.

Kopocis, who had worked on the issue for years as a Capitol Hill staffer before heading to EPA, said he and his colleagues had a sense of accomplishment about creating the regulation, which aimed to untangle a decades of legal confusion and offer clearer federal protections for headwater streams and wetlands.

"It's hard enough that the work that they did has been challenged and is currently stayed by the courts. It's quite another thing to have an administration who wants to undo all of your work for those many. many years," he said.

For one ex-Obama administration staffer, Tuesday contained at least some relief: Trump did not pull the U.S. out of the 2015 Paris climate agreement negotiated by the former president and ex-Secretary of State John Kerry. Under that pact, nearly 200 countries around the world agreed to set themselves targets to cut their greenhouse gas emissions — a major achievement after the United States' abandonment of its 1997 predecessor, the Kyoto Protocol.

"The tragedy would be if we stick our head in the sand for a few years, while the likes of China and the EU and India and Japan mobilize their industrial bases to try and dominate the global green energy market," said Paul Bodnar, who served as energy adviser on the National Security Council and helped negotiate the Paris agreement.

For now, Bodnar said he's not distraught because the Paris deal has solid support from other nations, and "we have built a system that can resist what happens. A withdrawal [from Paris] would be damaging, but I don't think we're in a Kyoto situation, where Kyoto never recovered."

But, he added: "Hypothetically, if they did withdraw, would I need a stiff drink? Yes, I would."

For McCarthy, Trump's executive order was more than a disappointment.

“This day is really embarrassing for the United States, not just dangerous for our kids and our future,” she said. “It’s embarrassing for us and our businesses who do global work to be actually be dismissing incredible opportunities for new technologies and economic growth and United States leadership.”

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New EPA chief plans 'humble' approach to regulating CO2 emissions

CNBC

By: Tom DiChristopher

Published: March 28, 2017

The Environmental Protection Agency will take a less aggressive approach to regulating carbon dioxide emissions than in the past, the agency's administrator Scott Pruitt signaled on Tuesday.

Pruitt spoke shortly after President Donald Trump signed an executive order aimed at scaling back the previous administration's efforts to mitigate the impact of climate change.

"I think what comes next is a much more humble view of what the EPA's response to CO2 is within the Clean Air Act," he told CNBC's "Closing Bell."

The EPA has concluded that carbon dioxide, or CO2, is the primary driver of manmade climate change. But Pruitt told CNBC earlier this month he does not currently believe CO2 is a "primary contributor" to global warming.

Trump's executive order on Tuesday set into motion a review of President Barack Obama's landmark Clean Power Plan, which aims to reduce emissions from power plants, particularly ones that burn coal. Pruitt's EPA will be responsible for writing a new rule to replace it.

Pruitt said the EPA would not issue rules that pick winners and losers.

"We're going to focus on clear air, but we're going to do so in a way that's fair and equitable to all forms of energy in this country," he said.

The Supreme Court ruled in 2007 that the EPA has the authority to regulate heat-trapping gases from automobiles. In 2014, it determined the agency could also regulate some sources of greenhouse gases, such as power plants.

Pruitt reiterated a point he made during the earlier interview: that Congress has not yet passed a law on regulating CO2. He again suggested that could be on the agenda.

"There's a very fair question that needs to be asked and answered. Are the tools in the toolbox? Does the EPA actually have the tools in the toolbox to address this issue?" he said.

"That's something that we're going to have to talk about as we go forward."

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Trump climate move risks unraveling Paris commitments

The Hill

By: Devin Henry

Published: March 29, 2017

President Trump's climate change order has thrown a wrench into the Paris climate deal.

Trump on Tuesday signed an executive order undoing most of the major climate work Barack Obama pursued as president.

The order didn't touch the Paris agreement, an international pact on greenhouse gas emissions that Obama pursued aggressively during his second term. But it begins the process of ending the electricity-sector pollution regulation Obama said would help fulfill U.S. commitments, a decision that underlines Trump's dismissal of the agreement.

There is internal debate in the Trump administration about the importance of staying in the Paris deal. But Tuesday's order — and other measures Trump has advanced during his presidency — indicates he's ready to leave it behind, formally or not.

"This is like a runner on a track," David Waskow, the international climate director at the World Resources Institute, said of the order's impact on U.S. climate work.

"The runner is going to keep moving forward, but someone is on the edge of the track throwing all sorts of objects in the way."

Obama's Environmental Protection Agency (EPA) finalized the Clean Power Plan in 2015. It aims to cut pollution from the electricity sector as a way to help achieve Obama's ambitious goal in the Paris agreement: a 26 percent to 28 percent reduction in total U.S. greenhouse gas emissions by 2025

Trump's Tuesday order only mandates a review of the Clean Power Plan. But he and his administration aggressively oppose it, indicating it's likely to come off the books after the review.

Undoing the regulation would undermine federal efforts to meet Obama's Paris goal, unraveling the U.S. commitments under the pact.

"Without the Clean Power Plan, it will be impossible to achieve the U.S. [pledge] under the Paris agreement," Robert Stavins, the director of the Harvard Project on Climate Agreements, said in an email. "It would have been difficult even with the Clean Power Plan."

Trump's climate order emboldened critics of the Paris deal.

"I think the U.S. ought to withdraw from the climate agreement in Paris," Sen. John Barrasso (R-Wyo.) said on Tuesday.

"I think it was a mistake by President Obama, and since he chose not to bring it to the Senate for confirmation, it's clearly not a treaty, so I'm for withdrawing from it completely."

Trump's industry allies, while praising the details of the order itself, said the administration also needs to move quickly to get out of the Paris accord.

"We urge the president to fulfill his campaign promises to remove the U.S. from the Paris agreement," said former Trump transition official Thomas Pyle, the president of the American Energy Alliance, which receives some fossil fuel funding.

"Failure to do so could risk the remainder of President Trump's attempts to rein in the regulatory

state and undo the harmful climate policies of the previous administration."

The order garnered criticism from Democrats, greens and officials who worked to forge the deal in 2015.

"The action by the U.S. to undo important domestic carbon reduction regulation, in the face of the enormous momentum building globally toward a low carbon economy, risks putting the country on a back-foot at a time when most Americans are looking to lead," said Christiana Figueres, the former executive secretary of the United Nation's climate office.

"This decision will make things harder, not easier, for Americans."

Nixing the emissions rule is Trump's latest and clearest sign that he's ready to leave the Paris deal in the dust, even if he doesn't formally take the U.S. out of the agreement.

In his budget proposal, Trump proposed ending federal funding for several international climate change accounts, including the Paris deal's Green Climate Fund. Obama had pledged $3 billion for the program, but he was only able to spend $1 billion on it while in office.

During the campaign, Trump was hostile to the Paris deal, saying he would, at least, renegotiate it and even consider leaving the pact once he became president.

The White House's rhetoric on the agreement has changed. On Monday night, an administration official said the status of the deal was "still under discussion," though the official acknowledged Obama's climate goals under the pact are likely dead.

"We have a different view about how you should address climate policies in the United States," the official said. "So we're going to go in a different direction. I can't get into what ultimately that means from an emissions standpoint. I have no idea."

There is a dispute among Trump officials about how to address the climate deal.

Some, like Secretary of State Rex Tillerson, have said the U.S. should stay in the climate deal and not lose "our seat at the table." Others, though, deeply oppose the agreement: EPA Administrator Scott Pruitt last weekend called it a "bad deal" because the United States' goals are more aggressive than other high-polluting nations.

Republicans say it doesn't need to be a choice between staying in the Paris deal and dropping out.

Rep. Kevin Cramer (R-N.D.), who called Tuesday "the most significant day yet in the Trump presidency," is circulating a letter encouraging the administration to stay in the Paris deal, but only if certain conditions are met, including rolling back Obama's greenhouse gas targets.

Cramer, an energy adviser for Trump during the presidential campaign, said staying in the deal is "probably the direction it's going" at the White House.

"My preference would still be to get out of it, but I see the value of staying in it," Cramer said. "I would not call it a loss if we don't get out of Paris, if we impose more of our will on the accord."

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Exxon asks White House to stay in

Greenwire

By: Jean Chemnick

Published: Tuesday, March 28, 2017

The country's largest oil company has asked President Trump not to make good on his promise to "cancel" U.S. participation in the Paris climate agreement.

Exxon Mobil Corp.'s environmental policy manager, Peter Trelenberg, said in a letter to George David Banks, climate chief for the National Security Council, that the U.S. could best safeguard the interests of its multinational petroleum companies by remaining within the 2015 accord and helping to shape it.

"We believe that the United States is well positioned to compete within the framework of the Paris Agreement, with abundant low-carbon resources such as natural gas, and innovative private industries, including the oil, gas and petrochemical sectors," he stated.

Trelenberg said plentiful domestic supplies of cheaper natural gas have helped reduce carbon emissions. And he added that having the U.S. at the negotiating table as parties begin to write the accord's rulebook would help ensure a "level playing field" for the fuel.

"Therefore the United States should advocate for policies that promote innovation and flexibility afforded by competition and free markets to help ensure the world pursues the most cost-effective opportunities to meet people's energy needs and reduce global greenhouse gas emissions," he said.

Exxon has backed the Paris deal in the past. That's why environmentalists have been hoping the company's former CEO — Secretary of State Rex Tillerson — can help dissuade Trump from bailing on it.

Trelenberg's letter, dated March 22, comes as a tug of war continues within the administration over whether Trump should withdraw the United States from the deal, a question that is likely to be settled relatively soon.

Trump's daughter Ivanka Trump and son-in-law, Jared Kushner, were instrumental in cutting a Paris withdrawal from a series of planned executive actions, including against the Clean Power Plan.

Several members of Trump's National Security Council, including Banks, are said to back remaining in the deal for pragmatic reasons, and he met recently with representatives from fossil fuel companies, including Exxon and ConocoPhillips Co., to ask their views on the issue.

ConocoPhillips CEO Ryan Lance gave reporters what his press office later characterized as a "no comment" answer on Paris during a conference earlier this month.

"We are committed to addressing concerns related to greenhouse gas emissions while providing the energy supply needed to support global economic growth and well-being," he said, adding that collaboration with Paris would "require collaboration" between industry and government.

Besides touting the role gas plays in reducing emissions, Trelenberg suggested that the Trump administration negotiate for free-market policies within the Paris framework, and that it promote the development and deployment of carbon capture and storage technology.

White House personnel who support remaining within the accord are said to be attempting to negotiate a "concession" for the fossil fuels sector in talks with European counterparts in exchange for staying in, but details aren't available.

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National Academies panel endorses human air pollution tests

Greenwire

By: Sean Reilly

Published: Tuesday, March 28, 2017

A panel of outside experts has broadly endorsed U.S. EPA's use of voluntary human testing in air pollution studies, saying in a new report that the controversial practice yields valuable data not obtainable through other means.

Although health risks to participants can't be ruled out, the odds of long-term harm from the laboratory tests are "unlikely to be large enough to be of concern," according to the report, released today by the National Academies of Sciences, Engineering and Medicine. The review panel recommended, however, that EPA use "plain language" in its consent forms and take other steps to make sure that would-be recruits understand what they're getting into.

"While communicating with potential participants, it's particularly important to appropriately characterize the risks," Robert Hiatt, a professor of epidemiological and biostatistics at the University of California, San Francisco, who chaired the National Academies committee, said in a news release. "EPA needs to make every effort to ensure that these descriptions are accurate, scientifically grounded and comprehensible to people."

The outside review, requested by EPA, aimed to address criticism of the agency's reliance on what are known as "controlled human inhalation-exposure" (CHIE) studies that involve exposing people to air laced with pollutants such as particulate matter or ozone. In a 2012 lawsuit, one advocacy group with ties to the oil industry likened the practice to Nazi medical experiments; while the suit was dismissed within months, Sen. Jim Inhofe (R-Okla.) called reports on the tests "extremely disturbing."

But the report found that CHIE studies have "have provided unique information" that could not be obtained from animal testing or epidemiological research drawing on people engaged in their day-to-day routines. The 15-member review committee singled out, for example, their "critical importance" in guiding EPA's decision to move from a one-hour to an eight-hour averaging time for the ambient air quality standard for ozone.

Other studies have been valuable in confirming the human health effects of exposure to particulate matter that had already shown up in animal research, the report said.

While the fine particles known as PM2.5 are linked to an array of heart and lung problems, those perils are tied to long-term cumulative exposure, the report said. Because the EPA studies may

involve exposures of just two hours, the chances of any increased chronic disease risk are likely "vanishingly small."

EPA carries out the CHIE studies at its laboratory in Chapel Hill, N.C., using paid volunteers who are deemed healthy enough that they are unlikely to suffer any problems from controlled exposures to dirty air. In the past, agency officials have staunchly defended the importance of human testing, as well their efforts to ensure participants' well-being.

"We really do take safety of the subjects with the utmost seriousness," Robert Kavlock, currently the agency's acting chief of research and development, told E&E News in 2015 (*Greenwire*, Feb. 6, 2015). Kavlock referred a request for comment on the new report to EPA's press office, which did not respond in time for publication today. An Inhofe spokeswoman also had no immediate comment on the report, whose release today coincided with the formal launch of the Trump administration's efforts to roll back EPA regulations addressing climate change (*see related story*).

But Steve Milloy, an attorney involved in the 2012 lawsuit, said the report failed to address what he called a contradiction between EPA's finding that there is no safe level of exposure to PM2.5 and the agency's willingness to expose study subjects to such fine particulates, which are no more than 2.5 microns in diameter.

"This is just a total whitewash," Milloy said in an interview today. "If PM is as dangerous as EPA says, then these experiments are illegal."

The National Academies review committee, made up mostly of university professors, looked at eight CHIE studies in compiling its report. Out of 845 intentional pollutant exposures conducted at the North Carolina facility from the beginning of 2009 to last October, one participant unexpectedly developed an irregular heartbeat during a particulate matter experiment but reverted to a normal heartbeat within two hours and was hospitalized overnight for observation, according to the news release.

That hospitalization, while amounting to 0.1 percent of experimental pollutant exposures, "illustrates that despite substantial efforts to screen potential participants," the release added, "there is some level of risk in these studies."

A 2014 review by EPA's inspector general had also urged improvements to EPA's policies for protecting participants; the agency addressed all of the recommendations, according to the report.

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Campaign to spread climate doubt picks up steam

Climatewire

Scott Waldman, E&E News reporter

Published: Wednesday, March 29, 2017

"Alt-science" is finding a home in Washington.

In the age of "alternative facts" and the declaration of news as "fake" if it challenges previously held political beliefs, fringe and industry science that bucks years of federal research is gaining newfound prominence. Now, conclusions not published in any of the world's premier science journals could soon be influencing federal policy, backed by Trump administration officials, congressional Republicans, conservative think tanks and a billionaire investor.

Within the field of climate science, there is virtually no debate about the basic cause of climate change. The vast majority of researchers long ago determined that human activity — chiefly the burning of fossil fuels — is causing the planet to warm.

There are, of course, some researchers with a long history of peer-reviewed studies who question man's role in global warming and have concluded that more discussion is needed to determine its full extent. Still, the recipe for curtailing climate change, as determined by most of those who study climate, starts primarily with curbing the burning of fossil fuels.

Today, the House Science, Space and Technology Committee will hold a hearing that will frame climate change as a debate, by including the field's most prominent skeptics as witnesses. It also will explore the hostility faced by those who come forward with views outside the mainstream. In addition, a bill that would allow for greater industry participation in U.S. EPA's Science Advisory Board, which can strongly influence regulations on industry, is expected to pass the House this week.

David Titley, director of the Center for Solutions to Weather and Climate Risk at Pennsylvania State University and a former chief operating officer at the National Oceanic and Atmospheric Administration, argues that the framing is purposeful. As long as climate science is framed as a debate, he said, exaggerating the amount of uncertainty can be used against any sort of regulation that restrains fossil fuel use.

"You don't need to disprove climate scientists; you just need to simply show, 'Hey, there's a debate; nobody really knows, and why should we do anything?'" he said. "It's the perfect outcome if you don't want a debate about policy."

Science has long been bent in Washington to fit inside political opinions. But the current onslaught that is hitting climate scientists is unprecedented in recent years, longtime observers said.

Michael Mann, a climate scientist at Penn State who will participate in the House hearing, said the elevation of untested anti-climate change theories is why actual scientists will march on Washington next month. He said there needs to be more outrage about the climate denial research now gaining increased influence in Washington.

"It is hard to believe that here, in the 21st century, powerful political forces are working so hard to return us to the Dark Ages, to reject the Enlightenment and everything we have learned," he said. "It is shocking and frightening. What we are witnessing is an attack on the very foundation that modern civilization is based upon."

Transition member: NASA, NOAA research is not science

When the Heartland Institute hosted its 12th annual conference on climate change in Washington last week, it featured sessions on how fossil fuels improve human health, encourage plant growth and are capable of establishing world peace. A number of speakers claimed that their research was ignored by the world's reputable science journals, not for its shoddiness, but because of a massive global conspiracy of environmentalists and liberals.

In the audience were a few members of Trump administration's transition team for EPA and NOAA as well as Robert and Rebekah Mercer. The Mercer family has poured millions of dollars into Trump super political action committees as well as in groups that promote climate denial and attack legitimate research as fraudulent. They also own part of the Breitbart News Network, the alt-right news organization that routinely portrays climate change as a liberal hoax.

Energy companies, including Exxon Mobil Corp. and Peabody Energy Inc., in turn spend millions of dollars to support Heartland or the sponsors of the conference, according to bankruptcy filings and other public disclosures.

Steve Milloy, a member of the Trump administration's transition team at EPA and a lawyer who runs a blog that criticizes climate scientists, said he expects the type of science espoused at the Heartland conference to play more of a role in setting policy in order to reframe climate research as a debate. He said the research at NASA and NOAA is not actually science.

"We need to establish rules for doing science, because government scientists apparently don't know what science is anymore; we need to take away the money, get rid of the authority," he said. "We need to stop playing along with these people."

Kenneth Haapala, a member of the Trump administration's landing team at NOAA, said he expects climate skepticism to inform Trump administration policy. Haapala, who has been called a "swamp alligator" by Democratic lawmakers because he rejects mainstream climate science, runs the Science and Environmental Policy Project, which produces reports that attempt to run counter to mainstream climate science.

"I think we're going to see more healthy skepticism coming from the official position," he said.

'It's where the science meets policy'

The Trump administration has already outlined cuts to climate research at EPA, NOAA, NASA and the Department of Energy.

House Science Chairman Lamar Smith (R-Texas) has routinely accused federal agencies of fraud if he does not like their scientific conclusions. Smith told the crowd, to a raucous cheer, that he would be open to crafting legislation that would punish scientific journals that publish studies that don't meet his standards of peer review, which he did not define.

"The days of trust-me science are over," Smith said.

Some in the crowd at Heartland were hobbyists who conduct their own scientific research in retirement. Others have the ability to directly influence Trump administration climate policy. Rebekah Mercer silently glared at a reporter when asked why her foundation had invested $6 million in Heartland and the Heritage Foundation, as The Washington Post recently reported.

David Kreutzer, who now serves as EPA deputy associate administrator for policy, economics and innovation, also sat for some of the sessions.

The rhetoric of cutting science that is used as a basis for regulation means that there can be no meaningful discussion about how to prepare humanity for climate change, said Maria Zuber, chairwoman of the National Science Board. The proposed cuts to climate science appear to center on business interests and ignore the real risks of global warming, she said. Climate skepticism is connected to concerns about regulation of business, she added.

"My feeling on the matter is that the problem is not climate science; the problem is either real or perceived issues with overregulation that is bad for business and the loss of jobs, so until we

address those two issues, we're not going to be able to have a serious conversation about the appropriate investment to mitigate the risk," Zuber said.

James Taylor, one of the conference speakers and a senior fellow for environment and energy policy at Heartland, said it's for the White House to stop ignoring climate skeptics. He said there is plenty of evidence in peer-reviewed scientific literature to suggest that the world is not in a climate crisis. And while he said he believes humans have some role in causing change, he expects mainstream science will not be ignored in Washington during the Trump administration.

"Looking at the Trump administration, looking at the future, it's where the science meets policy," he said. "For people who believe we're creating a climate crisis, there are still affordable abundant energy options that would significantly reduce greenhouse gases. Nuclear power is emissions-free; hydropower is emissions-free; natural gas cuts emissions in half."

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White House outlines more cuts for energy, environment

Greenwire

By: George Cahlink

Published: Tuesday, March 28, 2017

The White House is asking Congress to slash billions of dollars from energy and environmental programs for the last six months of fiscal 2017, beyond the already deep cuts it previously proposed for next year.

According to budget documents obtained by E&E News, the Trump administration is proposing that $1.75 billion be cut from the Energy and Water Development appropriations bill and $714 million be carved from the Interior and Environment spending measure.

Specifically, the administration would cut the Department of Energy by $1.43 billion, U.S. EPA by $247 million, the Interior Department by $371 million and the National Oceanic and Atmospheric Administration by $300 million.

The administration sent the proposals to Capitol Hill on Friday as lawmakers and the White House prepare for grinding talks over spending for the last half of fiscal 2017. A stopgap funding measure, known as a continuing resolution, expires April 28, and Congress will need to put a new spending plan in place by then or face a politically treacherous government shutdown.

The White House earlier this month said it wanted $18 billion in domestic spending cuts for fiscal 2017 to help fund a $33 billion hike in supplemental defense spending for the final six months of the year. Documents circulated this week mark the first time the administration has offered details on where those supplemental cuts would be taken, the bulk of them — about $7.25 billion — coming from the Labor, Health and Human Services, and Education spending bill.

Lawmakers are unlikely to welcome the domestic cuts that many in both parties have said are not the way to pay for Pentagon increases. Several appropriators said they would prefer the defense hike be counted as emergency spending so it would not require offsetting cuts.

House Minority Whip Steny Hoyer (D-Md.) told reporters today that proposing additional cuts to energy and environmental programs across government is a "non-starter" for the supplemental spending measure. He said Congress should stick to the two-year budget agreement passed in 2015 that sets spending caps for fiscal 2016 and 2017.

"The 'art of the deal' is keeping the deal," he said.

A Senate appropriations aide stressed the reductions were not being floated by Senate Republicans.

The proposed cuts to energy and environmental programs target efforts that President Trump has already said would be or are expected to be cut in fiscal 2018. The full budget proposal for next

year is due in May.

Chopping block

Under the proposal for the rest of fiscal 2017, DOE's renewable energy and energy efficiency efforts would face the budget ax.

The administration wants to cut about 25 percent ($516 million) from the $2 billion energy efficiency and renewable energy program by decreasing grants and rescinding unobligated spending. The Advanced Research Projects Agency-Energy budget, where the department has focused on commercializing clean energy technologies, would be reduced by more than 50 percent ($150 million) from $290 million.

Fossil fuel research programs would also take a more than 50 percent hit ($341 million) from current spending of $631 million for the rest of the year. The savings would come largely by cutting research grants.

At EPA, state environmental grant programs would be cut by about 10 percent ($115 million) from $1.079 billion. The White House notes that the reduction would help the agency ease into far larger reductions of about 44 percent for those grant programs it is seeking for fiscal 2018.

Also marked for cuts would be EPA research and development programs by about 10 percent ($48 million) from $483 million. Documents say the money would come out of climate research programs and grants.

At Interior, the single largest savings would come from tapping $230 million in proceeds in the department's Southern Nevada Public Land Management account, which collects fees from public lands sales around Las Vegas. Other reductions would hit the Abandoned Mine Land Reclamation Program ($90 million) and the payment-in-lieu-of-taxes program ($51 million).

For the National Oceanic and Atmospheric Administration, the proposal would cut funding for the National Sea Grant College Program by $30 million, from its current budget of $73 million. The administration wants to completely eliminate it in fiscal 2018. The program supports research at 33 universities and is popular among both Republicans and Democrats, but the administration calls it a "lower priority research grant program that primarily benefits industry and state and local stakeholders."

Trump is also asking Congress to eliminate funding for the Pacific Coastal Salmon Recovery Fund, noting that it has collected $1 billion since 2000. NOAA has repeatedly — and unsuccessfully — tried to decrease the program's funding. Congress reliably funds it anyway, at $65 million annually.

The Trump administration's proposed cuts would represent a double hit for the agencies.

The reductions would come from current, fiscal 2017 spending, which is mostly based on fiscal 2016 levels since the government has been operating under a CR. In many cases, the current spending is lower than what agencies had sought in their fiscal 2017 budget requests.

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White House Seeks To Start EPA's Budget Cuts In FY17, Sparking New Fight

InsideEPA

By: Amanda Palleschi

Published: March 28, 2017

Sparking a new battle over Trump administration plans to slash federal spending, the White House is proposing to cut an additional $247 million from EPA's budgets when the current spending authorization for fiscal year 2017 expires at the end of April, arguing in part that the effort will “ease the transition” to the more severe cuts being sought for FY18.

But the new plan is sparking stiff opposition from state officials, who are already concerned that the administration's plans to ratchet back spending in FY18 will prevent them from taking on new delegated authorities the administration plans to provide, let alone implement existing responsibilities.

States are “currently underfunded and would find it difficult to accommodate any cuts to air quality grants” in particular, one state air official said. “That is true not only for the steep cuts being proposed for FY 2018, which would be devastating, but also for the possible reductions for FY 2017 that have been reported,” the source added.

The administration earlier this week provided to lawmakers a proposed budget amendment that seeks $247 million in cuts to EPA's operating budget from what the agency would otherwise have received if Congress maintained current spending levels through the rest of the year.

The cuts target a handful of EPA programs -- brownfields project grants, Superfund cleanups, the Office of Research and Development (ORD), state categorical grants, and Great Lakes cleanups -- that are already slated for massive cuts or elimination in the administration's controversial FY18 request.

For example, the FY18 request already seeks to eliminate funds for Great Lakes cleanups, while cutting state grants by 45 percent, ORD by 43 percent, brownfields project grants by 40 percent and Superfund cleanups by 30 percent.

'Reduction Options'

But the administration's draft “reduction options” for FY18, first reported by Politico, proposes additional cuts to the programs beginning in the second half of FY17 when the current continuing resolution (CR) -- which had generally funded EPA at FY16 levels -- expires.

The largest cut the administration is seeking is for state categorical grants, funds states use to implement federal programs. The plan seeks to cut $115 million from the $1.08 billion in categorical grants states would have received had current levels been maintained, saying they are not as severe as those planned for FY18.

"These grants fund state environmental programs and offices, which are being significantly scaled back in the FY 2018 proposal. This smaller cut eases into that transition by reducing most grants by -10%, compared to a -44% reduction in the FY 2018 Blueprint," the document says.

Similarly, the proposal seeks an additional $30 million cut from the $500 million the Superfund cleanup program was expected to receive, adding that the cuts "will ease the program into further reductions in FY 2018."

The document also proposes that ORD be cut by an additional $48 million from the $483 million it was slated to receive, saying the cut will be implemented by eliminating the office's climate change research. "This reduction to ORD scales back climate-related research (such as EPA's contribution to the [U.S. Global Change Research Program] and lower-priority extramural research grants."

For the Great Lakes restoration program, the document seeks a cut of $49 million from the $299 million the program would have received, suggesting it can continue to be funded from "high unobligated and unliquidated balances."

And brownfields is slated for an additional $5 million cut from the $80 million it would otherwise receive. "These grants are meant only to catalyze additional private investment, so even at a reduced level EPA can reach many sites," it says.

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President Trump Risks the Planet

The New York Times

By: The Editorial Board

Published: March 28, 2017

That didn't take long.

Only 10 weeks into his presidency, and at great risk to future generations, Donald Trump has ordered the demolition of most of President Barack Obama's policies to combat climate change by reducing emissions from fossil fuels.

The assault began with Mr. Trump's pledge in Detroit to roll back fuel efficiency standards for cars and trucks, continued with a stingy budget plan that would end funding for climate-related scientific programs and reached an unhappy apex Tuesday with an executive order that, among things, would rescind the centerpiece of Mr. Obama's clean power strategy, a rule that would shut down hundreds of old coal-fired power plants and freeze the construction of new ones.

None of this was unexpected from a man who has described climate change as a hoax invented by the Chinese to destroy American industry and who has surrounded himself with cabinet officers and assistants who know or care little about the issue of global warming and its consequences — and who, in many cases, owe their political success to the largess of the oil, gas and coal companies.

Still, the gathering at the Environmental Protection Agency on Tuesday was deeply dismaying — and not only because of Mr. Trump's tired complaints about job-killing regulations. Or his false promises of more jobs for coal workers whose industry is in irreversible decline because of cheaper natural gas and the tripling in capacity since 2008 of cleaner energy sources like wind and solar.

It was dismaying also because it repudiated the rock-solid scientific consensus that without swift action the consequences of climate change — rising seas, more devastating droughts, widespread species extinction — are likely to get steadily worse. It was dismaying because it reaffirmed the administration's support for older, dirtier energy sources when all the economic momentum and new investment lies with newer, cleaner forms of energy. It was dismaying because it flew in the face of widespread public support for environmental protection — including the pleas of the executives of hundreds of major American corporations who fear that without energy innovation

their costs will rise and their competitive edge over foreign companies will be lost.

Perhaps most important, Mr. Trump's ignorance has stripped America of its hard-won role as a global leader on climate issues. There was some relief that Mr. Trump did not use the occasion to withdraw the United States from the Paris agreement concluded in December 2015, when 195 nations came together for the first time in a collective effort to reduce greenhouse gases, in large part because of the tireless efforts of Mr. Obama and his secretary of state, John Kerry, to bring the Chinese and India along.

But the truth is that Mr. Trump has, for all practical purposes, repudiated Paris. The initiatives that he threatens to dismantle are the very ones that support Mr. Obama's expansive pledge in Paris to reduce America's greenhouse gas emissions by more than one quarter below 2005 levels by 2025. Without them, the United States will have neither the tools nor the credibility to lead the world on emissions reduction, and surely the leaders of China and India and the rest of the world are smart enough to see this.

This raises two very real dangers. Either other big countries also pull out of the agreement. Or they decide to seize the initiative on clean energy sources, which would be good for the climate but bad for American industry.

Are there ways to avert this madness? Yes. Mr. Trump's orders will not take effect right away. The E.P.A. will need a year or longer to develop a replacement for the Clean Power Plan. Progressive states like California and New York will almost surely proceed with their own initiatives to reduce greenhouse gases. And then there is public opinion. It punished the Republicans severely in 1994 when Newt Gingrich and his allies tried to roll back environmental laws. It punished them again in 2008 after eight years of denialism and prevarication on climate change under George W. Bush and his fossil fuel acolyte, Dick Cheney. There is time enough before Mr. Trump's ignorance translates into actual policy for the public to make its opposition to this anti-science agenda felt again.

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Trump is on a rampage to endanger the planet. Now it's up to us to save it.

The Washington Post

By: John Podesta

Published: March 28, 2017

John Podesta, the chair of Hillary Clinton's 2016 presidential campaign, served as counselor to President Barack Obama, where his duties included overseeing climate and energy policy, and chief of staff to Bill Clinton.

President Trump is a man on a mission, or, perhaps better yet, a man on a rampage to reverse President Barack Obama's climate legacy and his substantial achievements in confronting the global threat of climate change.

Unfortunately, that rampage is running smack-dab into the reality that climate change is real and unforgiving. Last week's report by the World Meteorological Organization noted that the world is experiencing record warming, with the past three years being the hottest recorded, rising carbon-dioxide levels, an alarming drop in Arctic and Antarctic sea ice, and severe droughts in southern and eastern Africa and Central America.

As the report warned, the planet is now in truly uncharted territory.

Trump's reaction to the mounting evidence? Ignorance that is not only willful but destructive.

Since taking office, Trump has taken steps to eliminate limits on carbon pollution and increase America's dependence on foreign oil, including by moving to weaken vehicle efficiency standards and import more Canadian tar-sands crude oil . His proposed budget decimates scientific research, he selected an Environmental Protection Agency administrator who denies climate science, and he has just signed a broad executive order that will dismantle environmental protections and cost taxpayers more than $40 billion. Compounding these outrages, he has directed the government to implement an accounting system that would exaggerate the benefits and discount the costs of his actions.

Make no mistake, the Trump administration's rampage against the environment presents an existential threat to the entire planet. But we cannot give up hope that we can still avert the most severe aspects of climate change.

Winning the popular vote by nearly 3 million votes was not enough for Hillary Clinton to win the White House, but those votes nonetheless reflect the voices of a majority of Americans. Public-opinion research consistently finds that most Americans believe climate change is a major problem and support steps to cut carbon pollution.

What's more, a study found that the counties that voted for Clinton and progressive leadership in November generate nearly two-thirds of U.S. economic activity. This is significant because moderate and progressive leaders at the local and state levels can, as a result, guide two-thirds of the U.S. economy into a clean-energy transformation.

We are already seeing this in states such as California and New York, which are establishing themselves as global climate leaders. Mayors from both red and blue states, meanwhile, are continuing to move aggressively to build clean-energy economies and deliver climate solutions.

Thanks to this leadership and innovation and entrepreneurship in the private sector, America's clean-energy economy is strong enough to withstand a short-term change in policy. The Obama administration's focus on emissions reductions and clean energy will not be easily reversed. U.S. net imports of foreign oil fell by more than 50 percent from 2008 to 2016, emissions declined to their lowest level since 1992, and the economy continued to grow.

As much as Trump might try to ignore it, this shift toward clean energy is a global one. More than 130 countries have now officially joined the Paris agreement — a historic pact to reduce greenhouse-gas pollution and build resilience against the destructive effects of climate change. Rather than reverse course in the wake of the U.S. election, these countries have reaffirmed their commitment to the agreement; since the election, more than 30 additional countries have officially joined the pact. The path set by Trump not only is squandering U.S. prestige but also will cede American leadership on clean energy to other major powers, most notably China.

As Americans, we need to do all we can to stop the Trump administration and Republican

leaders in Congress from implementing the most anti-environmental agenda in decades. The engagement and direct action being taken by individuals in every community in every state is nothing short of inspiring. Resistance works.

But the political power that can make the biggest difference resides with the governors, mayors and other elected officials who can pick up the climate-change mantle abandoned by the Trump administration and help the United States lead by example. Working together, these leaders can serve as a powerful counterbalance to the lack of climate policy ambition that the Trump administration is demonstrating at the national and international levels.

To be sure, there will be setbacks in the months ahead. The fossil-fuel industries will get their share of handouts from the White House. But there are still plenty of open paths toward a clean-energy future. It is up to all of us to blaze those trails on behalf of our children and grandchildren.

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Meet The Woman Rescuing Fruit and Feeding Her Community

The Huffington Post

By: Zac Thompson

Published: March 28, 2017

Currently, 40% of all food goes to waste in San Diego leaving one in five people in the city food insecure. Food insecurity means, simply, the state of being without reliable access to a sufficient quantity of affordable, nutritious food.

Supermarkets dispose of too much good food, regular consumers waste groceries, and the erosion of environmental resources means that North Americans lead the world in food waste. It's a depressing thought for sure. Luckily, YouTuber and activist Rob Greenfield's new video may give you some hope.

Enter, Nita Kurmins Gilson, the woman bringing fresh fruit to thousands of San Diegans in need. In 2009, Nita learned that one in six people in her county were going to bed hungry. She also saw an abundance of fresh produce going to waste all over the city.

Nita connected the dots to be part of the solution for both food waste and hunger. She began by picking excess fruit from neighborhood trees and hand-delivered it to local food pantries. What started with "one woman, one box, and one car" has expanded to 300 volunteers, and together they have harvested over 100,000 pounds of fresh fruit.

Besides fruit trees, they also harvest excess crops from local small farms, and collect unsold produce from weekly farmers markets.

All to feed children, families, seniors, veterans, and the homeless in need. Nita also speaks to and educates the community about sustainability and food justice. She co-founded CropSwap with the mission to feed the hungry and reduce waste, and she's doing an amazing job!

View the video

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From: Bremer, Kristen
Sent: Wed 3/29/2017 4:50:04 PM
Subject: News Clips - March 29, 2017

News Clips – March 29, 2017

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- Trump order scrambles epic legal standoff *(Energywire)*
- Dem states pledge climate action in face of Trump roll-back *(The Hill)*
- Trump executive order reveals cracks in GOP approach *(E&E Daily)*
- Ex-Obama team distressed as Trump guts climate regs *(Politico)*
- New EPA chief plans 'humble' approach to regulating CO2 emissions *(CNBC)*

Paris Agreement

- Trump climate move risks unraveling Paris commitments *(The Hill)*
- Exxon asks White House to stay in *(Greenwire)*

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- White House outlines more cuts for energy, environment *(Greenwire)*
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The big announcement is over. What happens now?

Climatewire

By: Niina Heikkinen and Evan Lehmann

Published: Wednesday, March 29, 2017

President Trump never uttered the words "climate change" yesterday as he snuffed out former President Obama's plans to curb greenhouse gas emissions.

Speaking at U.S. EPA headquarters, flanked by coal executives and their employees, Trump said the "energy independence" executive order would usher in a "new era of energy" that would eliminate federal overreach, shower the country with wealth and put miners back to work. The president singled out the Clean Power Plan, Obama's rule to curb emissions from the power sector, as the greatest regulatory threat to coal miners.

"We are going to have clean coal, really clean coal. We are going to cancel job-killing regulations — by the way, regulations not only of this industry but every industry. We are going to have safety, clean water and clean air, but so many [regulations] are unnecessary, and so many are job-killing," Trump said.

"You know what this is?" Trump asked the miners as he prepared to sign the order. "You are going back to work. Ready?"

That neither Trump nor EPA Administrator Scott Pruitt, Vice President Mike Pence, Energy Secretary Rick Perry or Interior Secretary Ryan Zinke, nor any of the two dozen lawmakers or industry leaders in the EPA Map Room mentioned climate change yesterday was not a coincidence. The executive order is the latest and most sweeping step in the administration's unabashed effort to weaken or eliminate federal efforts to study climate science, curb carbon and protect vulnerable parts of the United States from flooding and sea-level rise.

In addition to rolling back the Clean Power Plan, the order targets EPA and Bureau of Land Management regulations on methane emissions from the oil and gas sector. It reopens BLM regulations on hydraulic fracturing, eliminates Obama's Climate Action Plan and cuts down federal calculations of the social cost of greenhouse gas emissions. The Department of Energy, Trump said, will have a role in fostering employment in the energy sector.

"Together, we will create millions of American jobs, also so many energy jobs, and really lead to unbelievable prosperity all throughout our country, and Rick Perry is going to have a lot to do with that," he said.

'People need to see mines reopening'

The order stands to reinforce the idea that Trump is deeply suspicious of climate science, even as his advisers seek to soften his past statements about its being a conspiracy by the Chinese and Democrats.

White House press secretary Sean Spicer was asked yesterday during the White House daily briefing if Trump still believes that climate change is a hoax. Spicer didn't dispute it. Instead, he said the president would talk about "the climate and what he believes" when he signed yesterday's order. That didn't happen.

"He does not believe that, as I mentioned at the outset, that there is a binary choice between job creation, economic growth and caring about the environment," Spicer said. "I think, at the end of the day, where we should be focusing on is making sure that all Americans have clean water, clean air, and that we do what we can to preserve and protect our environment."

The president's focus on coal yesterday harked back to promises he had made for more than a year to reopen coal mines and put workers in hard hats and reflective stripes back to work. The order yesterday began a countdown to making those promises real. Announcing the end of a rule, which miners detest, is one thing. Putting them back to work is another.

Many experts say there's no easy way to resuscitate Appalachian coal towns, which face bigger challenges than government regulations, like plentiful and cheap natural gas. Spicer said yesterday that the administration hasn't estimated how many jobs might be created by rolling back the Clean Power Plan.

Earlier this week, a senior administration official acknowledged that several pressures "conspire" to affect the coal industry, with regulations being just one of them. The president doesn't influence all of them, but he will do his part to make government a better friend to coal, the official said.

The question is whether that's enough. Miners were happy yesterday, but if they continue to feel as if the dice are weighted against them, some of them might begin to see Trump as just another Washington politician.

"I think people need to see mines reopening," said Glen Bolger, a Republican pollster. "There's risk in everything in politics. You can't deliver on everything. But you have to deliver enough things."

States plan to fight

Actually rolling back the Clean Power Plan will likely be a multi-month process, blighted by legal challenges if EPA tries to get rid of the rule without putting in a replacement. That is because the agency is under a legal obligation to act, first because greenhouse gases are an air pollutant, and second because those greenhouse gases endanger public health and welfare, said Steven Silverman, a former EPA attorney under President Obama.

"Leaving nothing in place I don't think is a legal option, so long as the endangerment finding stands," said Silverman.

He noted that EPA has a lot of discretion to weigh cost, feasibility and lead time while writing regulations but would still have to account for facts already compiled in the administrative record that were used to justify the creation of current regulations.

"There would be legal ways to adopt significantly less stringent standards to pass legal muster. I can think of some, but I don't want to tell them," Silverman said.

Though the Trump administration has singled out the Clean Power Plan as a main culprit in killing coal jobs, Silverman pointed out that the Obama administration saw at least the new source standard for power plants as a "lifeline, not an albatross," for the coal industry.

"It's a technology that captures emissions, it can put those CO2 captured emissions to product use, for enhanced oil recovery for example, or safely sequestered. It's a way for that industry to coexist with a world that is trying to cope with climate change," he said.

New York Attorney General Eric Schneiderman (D) said his office would oppose efforts by Trump's Department of Justice to freeze the case currently residing in the U.S. Court of Appeals for the District of Columbia Circuit, as instructed by the executive order.

"We intend to oppose any effort to hold in abeyance the litigation to defend the Clean Power Plan and any effort to roll it back," Schneiderman told reporters yesterday.

Predictable reactions from right and left

In the hours before Trump made his first appearance at the agency, EPA headquarters closed its shades in preparation for the president's arrival, as heightened security patrolled the grounds. Staff mulled the consequences of the administration's recent actions on the agency.

"People are just keeping their doors shut. The president coming here is a deliberate stick in our eye," said one employee, who worked in enforcement of the Clean Water Act but declined to give his name.

"Keep calm and carry on is the mantra," said another EPA staffer. "Hopefully, everything will get straightened out," she added.

Fossil fuel leaders cheered the order.

"Today's action by President Trump calls on his administration to review existing federal agency policies that have held back American energy production, rescinding rules that have limited our economic growth with little benefit," Independent Petroleum Association of America President Barry Russell said in a statement.

The reactions on Capitol Hill, meanwhile, underscored the partisan divisions on climate change. Republicans in energy-rich states celebrated the administration's hands-off approach to fossil fuel development. They represent industries that for years have suggested that Obama's actions symbolize a social prejudice against oil and coal.

"After eight years of radical environmental policies from the White House, we now have a

president focused on bringing coal jobs back," said Rep. Evan Jenkins (R-W.Va.).

Democratic argued that Trump's move would only introduce uncertainty into the business environment and would do nothing to create an economic boost. Sen. Sheldon Whitehouse (D-R.I.) predicted that the regulatory rollback would be unlikely to survive court challenge, particularly as Pruitt plans to keep the Obama-era endangerment finding for carbon intact.

"I don't think he has a lot of real running room rather than to delay for a bit and wait for that litigation," said Whitehouse. "They're playing with fire here, and I think they're going to find that they'll be burning their fingers."

In the evening, scores of environmental activists gathered in front of the White House to condemn the executive order. Holding up signs demanding clean air and climate justice, they criticized the administration for rolling back clean energy initiatives that boosted both local economies and health, saying that the order provided businesses with a green light to pollute.

Sen. Ed Markey (D-Mass.), who also attended the rally, encouraged the public to fight Trump and the "Big Oil cartel."

"Today, Donald Trump did not sign an executive order. He signed a declaration of war against a clean energy revolution, against climate change as a science," he said, adding that the order was a symptom of climate denial, rather than a step toward energy security.

"[W]e know what his formula is on climate change: Deny, delay, defund — and it will create a disaster for the entire planet," said Markey.

Laura Anderko, director of Georgetown University's Mid-Atlantic Center for Children's Health and the Environment, said that the Clean Power Plan would have saved 300,000 sick days a year if implemented through 2030, as well as prevented 90,000 asthma attacks in children on an annual basis.

"We need to help the administration understand that clean air means good health," she said.

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Trump lawyers ask court to halt climate rule case

The Hill

By: Timothy Cama

Published: March 29, 2017

Trump administration attorneys are asking an appeals court to hold off on ruling on whether the Environmental Protection Agency's (EPA) Clean Power Plan is legal.

In a filing late Tuesday, attorneys notified the court that President Trump had signed an executive order earlier that day asking the EPA to consider repealing the climate change regulation, and that EPA administrator Scott Pruitt had officially started that process.

Given those circumstances, the Court of Appeals for the District of Columbia should put a pause on proceedings until the new regulatory process for potential repeal is complete, they said.

"The Clean Power Plan is under close scrutiny by the EPA, and the prior positions taken by the agency with respect to the rule do not necessarily reflect its ultimate conclusions," the Justice Department attorneys wrote.

"EPA should be afforded the opportunity to fully review the Clean Power Plan and respond to the president's direction in a manner that is consistent with the terms of the executive order, the Clean Air Act, and the agency's inherent authority to reconsider past decisions. Deferral of further judicial proceedings is thus warranted," they said.

The appeals court is considering a lawsuit filed by a coalition of conservative states, energy companies, business interests and others, who sued to stop the rule in 2015 after the Obama administration finalized it. Pruitt, who was Oklahoma's attorney general at the time, was one of the leading challengers.

Ten of the court's justices heard oral arguments in September in the case, and could rule any day on whether the limits on carbon dioxide emissions for power plants are legal and constitutional.

But Trump's Tuesday order effectively flips the government's position from defending the rule to opposing it.

The court is not obligated to heed the Trump administration's request. And even though the EPA is nearly certain to repeal the rule, the court could still uphold it.

Additionally, environmental groups, Democratic states and other supporters of the regulation may ask the court to continue its proceedings, with the rule's supporters acting to defend it.

Trump's Tuesday order was wide-ranging, targeting not just the Clean Power Plan, but nearly all of Obama's executive actions and regulations on climate change.

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Trump order scrambles epic legal standoff

Energywire

By: Ellen M. Gilmer

Published: Wednesday, March 29, 2017

President Trump's executive order aimed at scrapping Obama-era climate actions scrambles existing litigation and sets the stage for high-stakes courtroom battles to come.

The Obama administration's signature effort to address climate change is squarely in the order's crosshairs. U.S. EPA must review the Clean Power Plan — which seeks to slash greenhouse gas emissions from power plants — and work to revise or withdraw it as needed to support Trump's goal of bolstering domestic energy production.

The Justice Department has already asked an appeals court to halt litigation over the rule. In a filing last night, government lawyers argued that the case should be paused while EPA considers the executive order.

"EPA should be afforded the opportunity to fully review the Clean Power Plan and respond to the President's direction in a manner that is consistent with the terms of the Executive Order, the Clean Air Act, and the agency's inherent authority to reconsider past decisions," DOJ told the U.S. Court of Appeals for the District of Columbia Circuit. "Deferral of further judicial proceedings is thus warranted."

Supporters of the regulation have limited short-term options to combat the move but have promised aggressive opposition of any action EPA Administrator Scott Pruitt takes to roll back the key feature of Obama's climate legacy.

Trump's order comes after years of rulemaking and litigation over the Clean Power Plan, which was finalized in 2015 and promptly challenged by a slew of states, coal companies, utilities and industry groups. The Supreme Court in early 2016 stepped in to freeze the rule while the litigation moved forward.

Ten judges from the D.C. Circuit last year waded through briefs from hundreds of parties to the litigation and heard hours of oral arguments during a fiery September showdown. Supporters and opponents of the rule have been on the lookout since then for a decision from the court, but yesterday's executive order could derail a ruling.

"The question is, what will the court do, given the fact that [the litigation has] taken this long?" said former DOJ attorney James Rubin, now at Dorsey & Whitney. "But the answer is: Who the hell knows? You can predict what courts will do, but the Clean Power Plan has been nothing but unpredictable."

Quick action

In the near term, supporters of the Clean Power Plan have limited options to battle Trump's order.

Supporters of the rule are positioned to oppose DOJ's request to pause the litigation. Environmental and public health groups, along with states and a group of power companies, have intervened in the case to defend the rule.

"It is very unusual if not unprecedented for there to be a case to be litigated this long based on an administrative record this full that goes all the way up to an en banc hearing at an appellate court and then one of the parties says, 'Well, we don't want a decision after all,'" New York Attorney General Eric Schneiderman (D) said in a call with reporters yesterday. "That is something that is extraordinarily unusual, so we would seek a ruling from the D.C. Circuit."

New York is one of more than a dozen states that intervened in support of the rule.

Natural Resources Defense Council attorney David Doniger said environmental groups are on the same page, vowing to oppose DOJ's attempt to freeze the litigation.

New York Assistant Attorney General Michael Myers, who argued for the rule in court last fall, noted that this would not be the first time intervenors have carried on defense of a government action an administration no longer supports.

Environmental lawyers defended the Clinton-era Forest Service "roadless rule" after the George W. Bush administration announced plans to reconsider it, and they played a similar role after the Bush administration walked away from an enforcement case against Duke Energy Corp.

In more recent action, environmental intervenors have moved to continue litigation over the Obama-era hydraulic fracturing rule, even though the Trump administration has announced plans to roll back the regulation. The groups have argued that legal questions over the Interior Department's authority over fracking must be answered by the court regardless of whether a rule exists (*Energywire*, March 16).

Rubin, the former DOJ lawyer, noted that the court may be inclined to grant the Trump administration's request to put the Clean Power Plan litigation on hold because courts don't like issuing "advisory opinions."

"While these are fascinating legal issues, they are all contextual," he said. "The issue of deference [to EPA's Clean Air Act interpretations] is an important issue in a vacuum, but you really have to look at the regulation you're talking about. So I would be surprised if the court, being told EPA was going to change the rule, would want to then issue an opinion on the old rule."

Plus, he noted, Clean Power Plan supporters could be playing a dangerous game in pushing for a final decision that could end up being unfavorable to them.

"You could argue that it's really important to know whether EPA has the authority to go beyond the fenceline of the plant ... but to what end?" he said. "Because EPA's not going to do that anytime soon.

"And if you make that argument and you lose, then EPA can't do that in the future," he continued, "whereas if the court doesn't rule at all and EPA changes the rule, then the hope is when EPA turns back to a Democratic administration, if ever, you can try that again."

Challenging the EO?

A more daring, if far-fetched, approach to battling Trump's assault on the Clean Power Plan would be a challenge to the executive order itself.

While such presidential actions are typically off-limits to judicial review, lawyers opposing Trump's recent immigration orders scored quick legal success as courts froze the administration's new travel restrictions.

Court watchers note, however, that yesterday's order is a different animal, with extensive regulatory proceedings on the horizon before having practical effects for the climate rule. Indeed, the directive is couched in qualifiers, telling EPA to rescind or revise the rule "if appropriate" and "to the extent permitted by law."

Case Western Reserve University law professor Jonathan Adler argued that the order is likely not ripe for a court to review.

"I don't think they really have too many options," he said in an email, referring to rule supporters. "They could try to file something preemptively (as was done with the Trump regulatory EO), but I don't think any such action is ripe yet."

Environmental attorney Sean Donahue, who is helping to defend the rule, seemed to agree, noting that the order "doesn't have any legal effect" on the regulation.

"So I wouldn't foresee any challenges to the EO as to those regulations — just as there have been no lawsuits challenging Donald Trump's general statements about the CPP," he said in an email.

Doniger, the NRDC lawyer, said he needed to study the order more before commenting on whether environmental groups will seek to challenge it directly.

"It's truly possible that somebody goes in there and sues over the executive order and tries to make a big deal about it," Rubin said. "I don't think they're likely to get the kind of stay or litigation success you saw in the immigration case. It's a totally different context."

Playing the long game

Clean Power Plan supporters' most powerful legal tools lie in future challenges to EPA's actions.

After the agency completes its review of the rule and goes through a rulemaking process to rescind or replace it, supporters of the Obama administration's plan can challenge the final decision.

Richard Revesz, director of the Institute for Policy Integrity at New York University School of Law, said in a statement that "this is the first move of a long chess game that will take years to unfold, and future moves will be far more challenging."

If the agency opts not to replace the Clean Power Plan, environmentalists, states and allies will point to legal precedent in Massachusetts v. EPA, in which the Supreme Court ruled that EPA has authority to regulate greenhouse gases, coupled with the agency's subsequent finding that greenhouse gases threaten human health.

"Given the case law and the statutory structure and various Supreme Court decisions, we are very confident that EPA cannot just dismantle the Clean Power Plan and leave nothing in its place," Schneiderman said. "It has to have regulations in place on greenhouse gases, and one way or another, we're going to make sure that happens."

Rumors have circulated that Pruitt plans to attempt to roll back his agency's endangerment finding for greenhouse gases, but Trump's executive order did not address the issue.

ClearView Energy Partners analyst Christi Tezak noted that while simply scrapping the Clean Power Plan would offer industry quick regulatory certainty, Trump's EPA may be inclined to instead craft a less stringent regulation that could make it tougher for a future administration to build on.

"Do they take the strategy of saying we don't need a rule altogether, which would still leave the risk, albeit in the future, that somebody comes down and creates a new regulation?" she asked. "Or do you make the attempt to fill that gap with something ... and just do it in such a way that makes it really hard for a greener-leaning administration to modify it without congressional help?"

Any attempt by EPA to replace the Clean Power Plan with a softer rule would also face legal challenges by groups that say such an effort would likely fall short of the agency's obligation to address greenhouse gases.

"We will use every step in the administrative process to block these rollbacks," Doniger said.

Schneiderman noted that an extensive administrative record supports Obama's approach, and any attempt to weaken that would have to justify a departure from a trove of existing public comments, research and agency determinations that support the Clean Power Plan's approach, plus new comments submitted during the rulemaking process to rescind the rule.

Opponents of the rule, meanwhile, have argued that EPA could take a simpler approach to undoing the Clean Power Plan — sidestepping reconsideration of the meat of the rule and instead agreeing with challengers that the regulation is beyond the scope of the Clean Air Act.

Some have argued that the rule is barred by what's known as a "legislative glitch" in which the House and Senate passed two different versions of Clean Air Act amendments in 1990. According to one interpretation of the amendments, EPA cannot regulate power plants with the Clean Power Plan because it already regulates power plants under another section of the law (*Energywire*, Feb. 10).

Many court watchers have expressed skepticism about that approach, arguing that a court would quickly reject such a narrow interpretation of the Clean Air Act.

In any case, the Institute for Policy Integrity's Revesz warned that the Clean Power Plan rollback process and related litigation promise years of conflict.

"This issue might not be resolved before the 2020 election, so the fate of the Clean Power Plan might ultimately be determined by the winner of that election," he said.

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Dem states pledge climate action in face of Trump roll-back

The Hill

By: Reid Wilson

Published: March 28, 2017

Liberal-leaning states are promising to push forward with aggressive targets for reducing greenhouse gas emissions and developing renewable energy sources just as President Trump moved to roll back much of his predecessor's efforts to combat climate change.

In state capitols from Albany to Sacramento, Democrats lambasted the executive order Trump signed Tuesday that begins the process of rolling back the Clean Power Plan, an Obama-era rule aimed at cleaning up coal-fired power plants.

"President Trump's decision to ax the Clean Power Plan cedes U.S. global leadership and increases the risk that climate change will continue to damage our state. We can't afford to slow our efforts, and we won't," Washington Gov. Jay Inslee (D) said Tuesday.

A coalition of 17 Democratic attorneys general and city attorneys from six cities said they would consider what legal actions could be taken to block Trump's order.

"We're very confident that the EPA cannot simply dismantle the CPP and leave nothing in its place," New York Attorney General Eric Schneiderman (D) said in a conference call Tuesday afternoon. "We regret the fact that the president is trying to bow back history. But it's not going to happen. The markets are moving. The states are moving."

Inslee, Oregon Gov. Kate Brown (D), California Gov. Jerry Brown (D) and the Democratic mayors of Seattle; Portland, Ore.; San Francisco; Oakland, Calif.; and Los Angeles said in a joint statement that the new executive order "moves our nation in the wrong direction and puts American prosperity at risk."

Separately, Jerry Brown and New York Gov. Andrew Cuomo (D) reaffirmed their states' commitment to reducing greenhouse gas emissions in the coming years to well below previous highs. Both states have set goals of lowering greenhouse gas emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

In both statements, the governors said collective action is necessary to combat a global problem. New York is a member of the Regional Greenhouse Gas Initiative, a cooperation between Northeastern and Mid-Atlantic states that established a cap-and-trade program. Washington, Oregon, California and British Columbia, in northwest Canada, have signed a similar agreement.

"It doesn't make sense for Oregon to do it alone. It makes sense when we [combat climate change] on a regional basis," Kate Brown said Saturday in Seattle, where she and Inslee met to plot strategy.

Last week, California's Air Resources Board voted to implement strict emission limits on automobiles and to require automakers to get more zero-emission vehicles to market. That vote came after Trump ordered the Environmental Protection Agency (EPA) to reconsider greenhouse gas emission limits put in place by the Obama administration, limits in which California has a

say under the 1970 Clean Air Act.

California must now seek a waiver from the EPA for its stricter limits. If that waiver is granted, as it was under the Obama administration, other states may adopt those same emissions limits.

Environmental groups say states taking action on climate change will enjoy the secondary benefit of cornering the market on renewable energy. New York has committed to developing wind turbines off Long Island. States like Washington and Oregon already get a huge percentage of their power from renewable hydro sources.

"Ultimately, states that lead like California, Washington and other, they are trying to capture as much of the clean energy market as possible," said Bill Holland, state policy director at the League of Conservation Voters. "The governors of states like Washington and California are acting in the real world to create economic opportunity."

But Republican-led states said the new executive order would reverse a rule that put an unfair onus on states and the energy industry.

"We're heartened by the president's latest action, which shows he's serious about returning common sense and the rule of law to the EPA," Texas Attorney General Ken Paxton (R) said in a statement. "And we look forward to the EPA returning to the cooperative approach with the states that the Clean Air Act and Clean Water Act expressly require as it reconsiders the unlawful Clean Power Plan."

The Democratic opposition to Trump's rollback represents a new front in a burgeoning legal war between the administration and blue states, one reminiscent of the battles fought by Republican attorneys general against the Obama administration's climate actions in recent years.

In the case of the Clean Power Plan, Republican states are still fighting the Obama-era rule. A coalition of 19 Republican-led states asked the EPA earlier this month to reconsider several rules, including the Clean Power Plan, under a collaborative framework they said was envisioned by both the Clean Air Act and the Clean Water Act.

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Trump executive order reveals cracks in GOP approach

E&E Daily

By: Hannah Hess

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President Trump's executive order revealed minor cracks in the GOP's approach to climate on Capitol Hill yesterday and inspired talk of carbon pricing legislation.

Two GOP lawmakers from South Florida who have urged their party to be more accepting of climate science bucked the administration's sweeping directive on "energy independence" and called on Trump to consider the impact man-caused warming is having on sea-level rise, ocean acidification and coral reefs.

Rep. Carlos Curbelo (R-Fla.), co-founder of a bipartisan caucus that is focused on legislative approaches to mitigation and adaptation, said the rollback of emissions standards was "misguided." Rep. Ileana Ros-Lehtinen (R-Fla.) declared it "troubling" and a backward step.

"Weak environmental policies ultimately lead to the destruction of jobs and quality of life. I hope the Administration will work with me and my colleagues in the Climate Solutions Caucus to Act on this in a responsible, bipartisan way going forward, but today that is clearly not the case," Curbelo said in a statement.

Democrats vowed to defend U.S. EPA's efforts to regulate greenhouse gases and said they would try to uphold funding for the agency during the upcoming appropriations process.

They are also planning to introduce a bill to rescind the executive order Trump signed that makes good on his campaign trail pledge to unravel Obama-era plans to curtail global warming.

But they predicted most of the fight over the Clean Power Plan will play out in court.

"The heart of the battle is going to be litigation," Sen. Sheldon Whitehouse (D-R.I.) — a former state attorney general — told reporters.

Last night, the Justice Department asked the U.S. Court of Appeals for the District of Columbia Circuit to halt litigation over the rule as EPA works through Trump's executive order.

Separately, Sen. Chris Van Hollen (D-Md.) announced he would reintroduce legislation that would revive a carbon cap-and-dividend proposal he championed as a member of the House (*Greenwire*, Feb. 24, 2015).

"President Trump is either ignorant to the basic facts of climate change, or he is willfully poisoning our atmosphere to benefit Big Oil and wealthy special interests. The health and prosperity of all Americans is at risk," Van Hollen said yesterday. "We must fight back, and I plan to reintroduce the 'Healthy Climate and Family Security Act' this spring as part of that effort."

Backlash

The legislation is similar to a proposal pitched to the White House in February by a group of senior Republican statesmen. That plan would tax carbon dioxide at the source — an oil refinery, for instance — then return the revenue directly to taxpayers in the form of a dividend check (*Greenwire*, Feb. 8).

Supporters of the idea are optimistic that Trump's "repeal-only climate strategy" will provoke

significant backlash from the American public.

They point to polling that shows majorities of people in every congressional district support setting strict limits on CO2 (*Greenwire*, Feb. 28).

"At that point Republicans will be looking for a replacement plan — that is how we are positioning our plan," said Ted Halstead, founder of the Climate Leadership Council, which coordinated the carbon fee-and-dividend outreach to the West Wing.

But Republicans for the most part didn't seem worried about negative reaction to Trump's directive.

Rep. Tom Reed (R-N.Y.), one of the co-sponsors of a GOP resolution acknowledging the threat of global warming and calling for action to address it, said he believes Trump's intent is to put some type of "reasonable standard" in place.

Reed said his constituents support a "much more reasonable cost-benefit approach" to addressing climate than President Obama's Clean Power Plan and other initiatives.

"They say we've got to solve this problem, but we have to do it in a much more rational way," Reed told E&E News, pointing to tax incentives for clean energy technologies as one policy prescription.

"This action doesn't necessarily precipitate an immediate response," Reed said.

Sen. Lindsey Graham (R-S.C.), who has urged his party to work to find policy compromises to reduce greenhouse gas emissions, told E&E News that he was "OK" with Trump's directive.

Other moderates, such as Sens. Lamar Alexander (R-Tenn.) and Jeff Flake (R-Ariz.), sidestepped questions on the sweeping order, saying they had not had the chance to review it in depth.

"Whenever we can get rid of regulation and be more energy independent, it's a good thing," Flake said.

Endangerment finding

The lawmakers who most closely align with Trump on energy issues, a handful of whom attended the signing ceremony for the executive order at EPA headquarters, were heartened by his pledge to help revive the ailing coal industry.

Sen. Steve Daines (R-Mont.) said he didn't believe the president's new approach on these issues was a "trade-off" between energy development and environmental protections.

"This gets back to having a balanced approach here," he said yesterday during a conference call with reporters. "We can be pro-clean air, pro-clean water, and you can be pro-responsible natural resource development."

Daines, who is chairman of the Senate Western Caucus, said that he'd "spent a lot of time listening" to his constituents on the issue and that "most Montanans" believe there needs to be a balanced energy portfolio that includes coal, oil and natural gas, but also hydro, wind and solar power.

"Coal keeps the lights on, literally and figuratively," in Montana, Daines said, saying it would be "devastating" to the state's economy to lose the tax revenues and jobs that come with energy production.

"Without a vibrant energy industry and the jobs it provides, the tax revenue it provides, our state could turn into a place that only the rich and famous will be able to recreate in," said Daines.

"And the average mom and dad who wants to buy that elk tag at Walmart will no longer be able to live in Montana."

Rep. Kevin Cramer (R-N.D.) said that in a divided country there is bound to be disagreement over energy policy, but the public would likely be "very pleased" by the results of the executive order.

It directs each federal agency to identify rules and policies that "potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources."

Cramer suggested there could still be a "reasonable way" to work on emissions reductions.

"But I think to sort of wipe the slate as clean as we can by eliminating unreasonable regulations and then start the more collaborative process — I think people will like what they are seeing," he said in an interview.

Rep. Joe Barton (R-Texas) stopped shy of criticizing Trump for taking what some conservatives consider to be a more moderate approach to the Obama administration's climate policies than they expected (*Greenwire*, March 28).

Barton sides with those who want EPA Administrator Scott Pruitt to target the 2009 endangerment finding that allows the agency to regulate greenhouse gases under the Clean Air Act.

"I told somebody at EPA just when I went to the signing that they ought to really take a look at the endangerment finding that the Obama administration issued when they first got in office," Barton said. "I think it's very flawed and should be at a minimum revisited."

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Ex-Obama team distressed as Trump guts climate regs

Politico

By: Eric Wolff, Alex Guillen and Annie Snider

Published: March 28, 2017

Hundreds of people in the Obama administration spent years building the climate change regulations that the president hoped would mark a lasting turning point in the nation's response to global warming. But it took only a couple of months for President Donald Trump to start wiping them out.

That stunning course shift has left former Obama environmental officials and diplomats frustrated and upset — if not surprised.

"From the moment the election became clear, all of us had the months and years of work that we had done flash before our eyes," said Christy Goldfuss, who served as former President Barack Obama's top environmental adviser as the leader of the White House Council on Environmental Quality.

For Gina McCarthy, who led EPA when it issued its landmark greenhouse gas restrictions for power plants, it was no shock that Trump would seek to undo Obama's climate regulations by using the same executive power that had gone into their creation. But she said she's stunned at how fast Trump is moving.

"The approach they're taking is really a slash-and-burn approach," she told POLITICO.

"I really honestly don't know what dragon they're trying to slay here," McCarthy added. "I really don't. If they're saying EPA has done something illegal, then let the courts decide that. If

they think that EPA is anti-economy, then show me some data that shows that."

McCarthy, who returned to her native Boston after the White House handover, admitted that she has turned to one of her city's tried-and-true methods of coping with frustration: "We drink a lot of coffee during the day and other things at night. And night comes earlier and earlier."

Trump took the short drive to EPA headquarters on Tuesday to stand with a group of coal miners, his EPA chief Scott Pruitt, Energy Secretary Rick Perry and Interior Secretary Ryan Zinke, and sign an executive order that started the process to undo the power plant rule. The order also repeals directives aimed at reducing the federal government's own carbon footprint, and it directs agencies to ferret out any additional policies "that potentially burden the development or use of" oil, natural gas, coal or nuclear energy.

The president also told federal regulators to stop using the "social cost of carbon," which attempts to quantify the effects of climate change, in economic analyses of future rules.

For Brian Deese, who served as Obama's energy adviser, Trump's action hit close to home. "I was in charge of everything that's in this executive order," he said.

"Of course it's frustrating," he added. "But this work and the efforts we put in place were never about us or about President Obama, and so I'm much more focused on the road ahead and less focused on the frustration about all of the effort that our teams put in — and much more focused now on what can be done to try to keep the momentum of the transition toward keeping cleaner energy sources in place."

He noted that stock prices for coal-related companies are "down, underperforming the market by several percentage points" — which he sees as a sign that the U.S. economy's transition to cleaner energy sources "is firmly enough under way that this administration cannot fundamentally change that dynamic." And that, he argued, is partly because of the Obama team's efforts, "not only on the regulatory side, but also with respect to research and commercialization, tax incentives and otherwise. I've got that big picture in perspective today."

Trump's assault in the climate regulations was hardly a surprise — he had promised as much during the campaigns, and news reports on the timing and content of the executive order had circulated for more than a month. But waiting didn't make the outcome any easier on the Obama alumni.

"You know, we've been waiting for this thing to come out for weeks," said Goldfuss, the former White House adviser. "On the one hand we're ready for it, on the other hand it felt shittier every day that went past."

She said the EPA power plant regulation, whose final version she helped draft, "was the president's signature climate action. The day he announced those regulations for us was as influential as the health care legislation as in that issue area. It was a big day, people were overwhelmed with emotion, people were doing not only what the president wanted us to do, but what was best for the American public."

In June 2013, Obama, in short sleeves, addressed a crowd on a sweltering day Georgetown University, saying he would "refuse to condemn your generation and future generations to a planet that's beyond fixing." He ordered the federal government to change how it dealt with climate change, and called on his EPA to draw up the power plant rules — which Obama and McCarthy did two years later, on August 3, 2015.

Nancy Sutley, who headed the CEQ until 2014, pointed out that Trump's EPA is still required by law to address the carbon emissions blamed for climate change — thanks to the agency's Obama-era scientific conclusion that greenhouse gas pollution threatens human welfare. "They're going to have to figure out something to do instead. I don't know that they'll come up with anything that's better or more thought through than what [Obama's] EPA put out."

Tuesday's order came less than a month after Trump issued another directive putting on hold an EPA rule called Waters of the U.S., which a federal court had already frozen while it considered legal challenges from farmers, homebuilders and 31 states. The White House order on that rule left former EPA water chief Ken Kopocis and his agency colleagues "devastated," he said.

Kopocis, who had worked on the issue for years as a Capitol Hill staffer before heading to EPA, said he and his colleagues had a sense of accomplishment about creating the regulation, which

aimed to untangle a decades of legal confusion and offer clearer federal protections for headwater streams and wetlands.

“It’s hard enough that the work that they did has been challenged and is currently stayed by the courts. It’s quite another thing to have an administration who wants to undo all of your work for those many. many years,” he said.

For one ex-Obama administration staffer, Tuesday contained at least some relief: Trump did not pull the U.S. out of the 2015 Paris climate agreement negotiated by the former president and ex-Secretary of State John Kerry. Under that pact, nearly 200 countries around the world agreed to set themselves targets to cut their greenhouse gas emissions — a major achievement after the United States’ abandonment of its 1997 predecessor, the Kyoto Protocol.

"The tragedy would be if we stick our head in the sand for a few years, while the likes of China and the EU and India and Japan mobilize their industrial bases to try and dominate the global green energy market," said Paul Bodnar, who served as energy adviser on the National Security Council and helped negotiate the Paris agreement.

For now, Bodnar said he's not distraught because the Paris deal has solid support from other nations, and "we have built a system that can resist what happens. A withdrawal [from Paris] would be damaging, but I don’t think we’re in a Kyoto situation, where Kyoto never recovered."

But, he added: "Hypothetically, if they did withdraw, would I need a stiff drink? Yes, I would."

For McCarthy, Trump's executive order was more than a disappointment.

“This day is really embarrassing for the United States, not just dangerous for our kids and our future,” she said. “It’s embarrassing for us and our businesses who do global work to be actually be dismissing incredible opportunities for new technologies and economic growth and United States leadership.”

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New EPA chief plans 'humble' approach to regulating CO2 emissions

CNBC

By: Tom DiChristopher

Published: March 28, 2017

The Environmental Protection Agency will take a less aggressive approach to regulating carbon dioxide emissions than in the past, the agency's administrator Scott Pruitt signaled on Tuesday.

Pruitt spoke shortly after President Donald Trump signed an executive order aimed at scaling back the previous administration's efforts to mitigate the impact of climate change.

"I think what comes next is a much more humble view of what the EPA's response to CO2 is within the Clean Air Act," he told CNBC's "Closing Bell."

The EPA has concluded that carbon dioxide, or CO2, is the primary driver of manmade climate change. But Pruitt told CNBC earlier this month he does not currently believe CO2 is a "primary contributor" to global warming.

Trump's executive order on Tuesday set into motion a review of President Barack Obama's landmark Clean Power Plan, which aims to reduce emissions from power plants, particularly ones that burn coal. Pruitt's EPA will be responsible for writing a new rule to replace it.

Pruitt said the EPA would not issue rules that pick winners and losers.

"We're going to focus on clear air, but we're going to do so in a way that's fair and equitable to all forms of energy in this country," he said.

The Supreme Court ruled in 2007 that the EPA has the authority to regulate heat-trapping gases from automobiles. In 2014, it determined the agency could also regulate some sources of greenhouse gases, such as power plants.

Pruitt reiterated a point he made during the earlier interview: that Congress has not yet passed a law on regulating CO2. He again suggested that could be on the agenda.

"There's a very fair question that needs to be asked and answered. Are the tools in the toolbox? Does the EPA actually have the tools in the toolbox to address this issue?" he said.

"That's something that we're going to have to talk about as we go forward."

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Trump climate move risks unraveling Paris commitments

The Hill

By: Devin Henry

Published: March 29, 2017

President Trump's climate change order has thrown a wrench into the Paris climate deal.

Trump on Tuesday signed an executive order undoing most of the major climate work Barack Obama pursued as president.

The order didn't touch the Paris agreement, an international pact on greenhouse gas emissions that Obama pursued aggressively during his second term. But it begins the process of ending the electricity-sector pollution regulation Obama said would help fulfill U.S. commitments, a decision that underlines Trump's dismissal of the agreement.

There is internal debate in the Trump administration about the importance of staying in the Paris deal. But Tuesday's order — and other measures Trump has advanced during his presidency — indicates he's ready to leave it behind, formally or not.

"This is like a runner on a track," David Waskow, the international climate director at the World Resources Institute, said of the order's impact on U.S. climate work.

"The runner is going to keep moving forward, but someone is on the edge of the track throwing all sorts of objects in the way."

Obama's Environmental Protection Agency (EPA) finalized the Clean Power Plan in 2015. It aims to cut pollution from the electricity sector as a way to help achieve Obama's ambitious goal in the Paris agreement: a 26 percent to 28 percent reduction in total U.S. greenhouse gas emissions by 2025

Trump's Tuesday order only mandates a review of the Clean Power Plan. But he and his administration aggressively oppose it, indicating it's likely to come off the books after the review.

Undoing the regulation would undermine federal efforts to meet Obama's Paris goal, unraveling the U.S. commitments under the pact.

"Without the Clean Power Plan, it will be impossible to achieve the U.S. [pledge] under the Paris agreement," Robert Stavins, the director of the Harvard Project on Climate Agreements, said in

an email. "It would have been difficult even with the Clean Power Plan."

Trump's climate order emboldened critics of the Paris deal.

"I think the U.S. ought to withdraw from the climate agreement in Paris," Sen. John Barrasso (R-Wyo.) said on Tuesday.

"I think it was a mistake by President Obama, and since he chose not to bring it to the Senate for confirmation, it's clearly not a treaty, so I'm for withdrawing from it completely."

Trump's industry allies, while praising the details of the order itself, said the administration also needs to move quickly to get out of the Paris accord.

"We urge the president to fulfill his campaign promises to remove the U.S. from the Paris agreement," said former Trump transition official Thomas Pyle, the president of the American Energy Alliance, which receives some fossil fuel funding.

"Failure to do so could risk the remainder of President Trump's attempts to rein in the regulatory state and undo the harmful climate policies of the previous administration."

The order garnered criticism from Democrats, greens and officials who worked to forge the deal in 2015.

"The action by the U.S. to undo important domestic carbon reduction regulation, in the face of the enormous momentum building globally toward a low carbon economy, risks putting the country on a back-foot at a time when most Americans are looking to lead," said Christiana Figueres, the former executive secretary of the United Nation's climate office.

"This decision will make things harder, not easier, for Americans."

Nixing the emissions rule is Trump's latest and clearest sign that he's ready to leave the Paris deal in the dust, even if he doesn't formally take the U.S. out of the agreement.

In his budget proposal, Trump proposed ending federal funding for several international climate change accounts, including the Paris deal's Green Climate Fund. Obama had pledged $3 billion for the program, but he was only able to spend $1 billion on it while in office.

During the campaign, Trump was hostile to the Paris deal, saying he would, at least, renegotiate it and even consider leaving the pact once he became president.

The White House's rhetoric on the agreement has changed. On Monday night, an administration official said the status of the deal was "still under discussion," though the official acknowledged Obama's climate goals under the pact are likely dead.

"We have a different view about how you should address climate policies in the United States," the official said. "So we're going to go in a different direction. I can't get into what ultimately that means from an emissions standpoint. I have no idea."

There is a dispute among Trump officials about how to address the climate deal.

Some, like Secretary of State Rex Tillerson, have said the U.S. should stay in the climate deal and not lose "our seat at the table." Others, though, deeply oppose the agreement: EPA Administrator Scott Pruitt last weekend called it a "bad deal" because the United States' goals are more aggressive than other high-polluting nations.

Republicans say it doesn't need to be a choice between staying in the Paris deal and dropping out.

Rep. Kevin Cramer (R-N.D.), who called Tuesday "the most significant day yet in the Trump presidency," is circulating a letter encouraging the administration to stay in the Paris deal, but only if certain conditions are met, including rolling back Obama's greenhouse gas targets.

Cramer, an energy adviser for Trump during the presidential campaign, said staying in the deal is "probably the direction it's going" at the White House.

"My preference would still be to get out of it, but I see the value of staying in it," Cramer said. "I would not call it a loss if we don't get out of Paris, if we impose more of our will on the accord."

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Exxon asks White House to stay in

Greenwire

By: Jean Chemnick

Published: Tuesday, March 28, 2017

The country's largest oil company has asked President Trump not to make good on his promise to "cancel" U.S. participation in the Paris climate agreement.

Exxon Mobil Corp.'s environmental policy manager, Peter Trelenberg, said in a letter to George David Banks, climate chief for the National Security Council, that the U.S. could best safeguard the interests of its multinational petroleum companies by remaining within the 2015 accord and helping to shape it.

"We believe that the United States is well positioned to compete within the framework of the Paris Agreement, with abundant low-carbon resources such as natural gas, and innovative private industries, including the oil, gas and petrochemical sectors," he stated.

Trelenberg said plentiful domestic supplies of cheaper natural gas have helped reduce carbon emissions. And he added that having the U.S. at the negotiating table as parties begin to write the accord's rulebook would help ensure a "level playing field" for the fuel.

"Therefore the United States should advocate for policies that promote innovation and flexibility afforded by competition and free markets to help ensure the world pursues the most cost-effective opportunities to meet people's energy needs and reduce global greenhouse gas emissions," he said.

Exxon has backed the Paris deal in the past. That's why environmentalists have been hoping the company's former CEO — Secretary of State Rex Tillerson — can help dissuade Trump from bailing on it.

Trelenberg's letter, dated March 22, comes as a tug of war continues within the administration over whether Trump should withdraw the United States from the deal, a question that is likely to be settled relatively soon.

Trump's daughter Ivanka Trump and son-in-law, Jared Kushner, were instrumental in cutting a Paris withdrawal from a series of planned executive actions, including against the Clean Power Plan.

Several members of Trump's National Security Council, including Banks, are said to back remaining in the deal for pragmatic reasons, and he met recently with representatives from fossil fuel companies, including Exxon and ConocoPhillips Co., to ask their views on the issue.

ConocoPhillips CEO Ryan Lance gave reporters what his press office later characterized as a "no comment" answer on Paris during a conference earlier this month.

"We are committed to addressing concerns related to greenhouse gas emissions while providing the energy supply needed to support global economic growth and well-being," he said, adding

that collaboration with Paris would "require collaboration" between industry and government.

Besides touting the role gas plays in reducing emissions, Trelenberg suggested that the Trump administration negotiate for free-market policies within the Paris framework, and that it promote the development and deployment of carbon capture and storage technology.

White House personnel who support remaining within the accord are said to be attempting to negotiate a "concession" for the fossil fuels sector in talks with European counterparts in exchange for staying in, but details aren't available.

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National Academies panel endorses human air pollution tests

Greenwire

By: Sean Reilly

Published: Tuesday, March 28, 2017

A panel of outside experts has broadly endorsed U.S. EPA's use of voluntary human testing in air pollution studies, saying in a new report that the controversial practice yields valuable data not obtainable through other means.

Although health risks to participants can't be ruled out, the odds of long-term harm from the laboratory tests are "unlikely to be large enough to be of concern," according to the report, released today by the National Academies of Sciences, Engineering and Medicine. The review panel recommended, however, that EPA use "plain language" in its consent forms and take other steps to make sure that would-be recruits understand what they're getting into.

"While communicating with potential participants, it's particularly important to appropriately

characterize the risks," Robert Hiatt, a professor of epidemiological and biostatistics at the University of California, San Francisco, who chaired the National Academies committee, said in a news release. "EPA needs to make every effort to ensure that these descriptions are accurate, scientifically grounded and comprehensible to people."

The outside review, requested by EPA, aimed to address criticism of the agency's reliance on what are known as "controlled human inhalation-exposure" (CHIE) studies that involve exposing people to air laced with pollutants such as particulate matter or ozone. In a 2012 lawsuit, one advocacy group with ties to the oil industry likened the practice to Nazi medical experiments; while the suit was dismissed within months, Sen. Jim Inhofe (R-Okla.) called reports on the tests "extremely disturbing."

But the report found that CHIE studies have "have provided unique information" that could not be obtained from animal testing or epidemiological research drawing on people engaged in their day-to-day routines. The 15-member review committee singled out, for example, their "critical importance" in guiding EPA's decision to move from a one-hour to an eight-hour averaging time for the ambient air quality standard for ozone.

Other studies have been valuable in confirming the human health effects of exposure to particulate matter that had already shown up in animal research, the report said.

While the fine particles known as PM2.5 are linked to an array of heart and lung problems, those perils are tied to long-term cumulative exposure, the report said. Because the EPA studies may involve exposures of just two hours, the chances of any increased chronic disease risk are likely "vanishingly small."

EPA carries out the CHIE studies at its laboratory in Chapel Hill, N.C., using paid volunteers who are deemed healthy enough that they are unlikely to suffer any problems from controlled exposures to dirty air. In the past, agency officials have staunchly defended the importance of human testing, as well their efforts to ensure participants' well-being.

"We really do take safety of the subjects with the utmost seriousness," Robert Kavlock, currently the agency's acting chief of research and development, told E&E News in 2015 (*Greenwire*, Feb. 6, 2015). Kavlock referred a request for comment on the new report to EPA's press office, which

did not respond in time for publication today. An Inhofe spokeswoman also had no immediate comment on the report, whose release today coincided with the formal launch of the Trump administration's efforts to roll back EPA regulations addressing climate change (*see related story*).

But Steve Milloy, an attorney involved in the 2012 lawsuit, said the report failed to address what he called a contradiction between EPA's finding that there is no safe level of exposure to PM2.5 and the agency's willingness to expose study subjects to such fine particulates, which are no more than 2.5 microns in diameter.

"This is just a total whitewash," Milloy said in an interview today. "If PM is as dangerous as EPA says, then these experiments are illegal."

The National Academies review committee, made up mostly of university professors, looked at eight CHIE studies in compiling its report. Out of 845 intentional pollutant exposures conducted at the North Carolina facility from the beginning of 2009 to last October, one participant unexpectedly developed an irregular heartbeat during a particulate matter experiment but reverted to a normal heartbeat within two hours and was hospitalized overnight for observation, according to the news release.

That hospitalization, while amounting to 0.1 percent of experimental pollutant exposures, "illustrates that despite substantial efforts to screen potential participants," the release added, "there is some level of risk in these studies."

A 2014 review by EPA's inspector general had also urged improvements to EPA's policies for protecting participants; the agency addressed all of the recommendations, according to the report.

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Campaign to spread climate doubt picks up steam

Climatewire

Scott Waldman, E&E News reporter

Published: Wednesday, March 29, 2017

"Alt-science" is finding a home in Washington.

In the age of "alternative facts" and the declaration of news as "fake" if it challenges previously held political beliefs, fringe and industry science that bucks years of federal research is gaining newfound prominence. Now, conclusions not published in any of the world's premier science journals could soon be influencing federal policy, backed by Trump administration officials, congressional Republicans, conservative think tanks and a billionaire investor.

Within the field of climate science, there is virtually no debate about the basic cause of climate change. The vast majority of researchers long ago determined that human activity — chiefly the burning of fossil fuels — is causing the planet to warm.

There are, of course, some researchers with a long history of peer-reviewed studies who question man's role in global warming and have concluded that more discussion is needed to determine its full extent. Still, the recipe for curtailing climate change, as determined by most of those who study climate, starts primarily with curbing the burning of fossil fuels.

Today, the House Science, Space and Technology Committee will hold a hearing that will frame climate change as a debate, by including the field's most prominent skeptics as witnesses. It also will explore the hostility faced by those who come forward with views outside the mainstream. In addition, a bill that would allow for greater industry participation in U.S. EPA's Science Advisory Board, which can strongly influence regulations on industry, is expected to pass the House this week.

David Titley, director of the Center for Solutions to Weather and Climate Risk at Pennsylvania State University and a former chief operating officer at the National Oceanic and Atmospheric Administration, argues that the framing is purposeful. As long as climate science is framed as a debate, he said, exaggerating the amount of uncertainty can be used against any sort of

regulation that restrains fossil fuel use.

"You don't need to disprove climate scientists; you just need to simply show, 'Hey, there's a debate; nobody really knows, and why should we do anything?'" he said. "It's the perfect outcome if you don't want a debate about policy."

Science has long been bent in Washington to fit inside political opinions. But the current onslaught that is hitting climate scientists is unprecedented in recent years, longtime observers said.

Michael Mann, a climate scientist at Penn State who will participate in the House hearing, said the elevation of untested anti-climate change theories is why actual scientists will march on Washington next month. He said there needs to be more outrage about the climate denial research now gaining increased influence in Washington.

"It is hard to believe that here, in the 21st century, powerful political forces are working so hard to return us to the Dark Ages, to reject the Enlightenment and everything we have learned," he said. "It is shocking and frightening. What we are witnessing is an attack on the very foundation that modern civilization is based upon."

Transition member: NASA, NOAA research is not science

When the Heartland Institute hosted its 12th annual conference on climate change in Washington last week, it featured sessions on how fossil fuels improve human health, encourage plant growth and are capable of establishing world peace. A number of speakers claimed that their research was ignored by the world's reputable science journals, not for its shoddiness, but because of a massive global conspiracy of environmentalists and liberals.

In the audience were a few members of Trump administration's transition team for EPA and NOAA as well as Robert and Rebekah Mercer. The Mercer family has poured millions of dollars into Trump super political action committees as well as in groups that promote climate denial and attack legitimate research as fraudulent. They also own part of the Breitbart News Network,

the alt-right news organization that routinely portrays climate change as a liberal hoax.

Energy companies, including Exxon Mobil Corp. and Peabody Energy Inc., in turn spend millions of dollars to support Heartland or the sponsors of the conference, according to bankruptcy filings and other public disclosures.

Steve Milloy, a member of the Trump administration's transition team at EPA and a lawyer who runs a blog that criticizes climate scientists, said he expects the type of science espoused at the Heartland conference to play more of a role in setting policy in order to reframe climate research as a debate. He said the research at NASA and NOAA is not actually science.

"We need to establish rules for doing science, because government scientists apparently don't know what science is anymore; we need to take away the money, get rid of the authority," he said. "We need to stop playing along with these people."

Kenneth Haapala, a member of the Trump administration's landing team at NOAA, said he expects climate skepticism to inform Trump administration policy. Haapala, who has been called a "swamp alligator" by Democratic lawmakers because he rejects mainstream climate science, runs the Science and Environmental Policy Project, which produces reports that attempt to run counter to mainstream climate science.

"I think we're going to see more healthy skepticism coming from the official position," he said.

'It's where the science meets policy'

The Trump administration has already outlined cuts to climate research at EPA, NOAA, NASA and the Department of Energy.

House Science Chairman Lamar Smith (R-Texas) has routinely accused federal agencies of fraud if he does not like their scientific conclusions. Smith told the crowd, to a raucous cheer, that he

would be open to crafting legislation that would punish scientific journals that publish studies that don't meet his standards of peer review, which he did not define.

"The days of trust-me science are over," Smith said.

Some in the crowd at Heartland were hobbyists who conduct their own scientific research in retirement. Others have the ability to directly influence Trump administration climate policy. Rebekah Mercer silently glared at a reporter when asked why her foundation had invested $6 million in Heartland and the Heritage Foundation, as The Washington Post recently reported.

David Kreutzer, who now serves as EPA deputy associate administrator for policy, economics and innovation, also sat for some of the sessions.

The rhetoric of cutting science that is used as a basis for regulation means that there can be no meaningful discussion about how to prepare humanity for climate change, said Maria Zuber, chairwoman of the National Science Board. The proposed cuts to climate science appear to center on business interests and ignore the real risks of global warming, she said. Climate skepticism is connected to concerns about regulation of business, she added.

"My feeling on the matter is that the problem is not climate science; the problem is either real or perceived issues with overregulation that is bad for business and the loss of jobs, so until we address those two issues, we're not going to be able to have a serious conversation about the appropriate investment to mitigate the risk," Zuber said.

James Taylor, one of the conference speakers and a senior fellow for environment and energy policy at Heartland, said it's for the White House to stop ignoring climate skeptics. He said there is plenty of evidence in peer-reviewed scientific literature to suggest that the world is not in a climate crisis. And while he said he believes humans have some role in causing change, he expects mainstream science will not be ignored in Washington during the Trump administration.

"Looking at the Trump administration, looking at the future, it's where the science meets policy," he said. "For people who believe we're creating a climate crisis, there are still affordable

abundant energy options that would significantly reduce greenhouse gases. Nuclear power is emissions-free; hydropower is emissions-free; natural gas cuts emissions in half."

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White House outlines more cuts for energy, environment

Greenwire

By: George Cahlink

Published: Tuesday, March 28, 2017

The White House is asking Congress to slash billions of dollars from energy and environmental programs for the last six months of fiscal 2017, beyond the already deep cuts it previously proposed for next year.

According to budget documents obtained by E&E News, the Trump administration is proposing that $1.75 billion be cut from the Energy and Water Development appropriations bill and $714 million be carved from the Interior and Environment spending measure.

Specifically, the administration would cut the Department of Energy by $1.43 billion, U.S. EPA by $247 million, the Interior Department by $371 million and the National Oceanic and Atmospheric Administration by $300 million.

The administration sent the proposals to Capitol Hill on Friday as lawmakers and the White House prepare for grinding talks over spending for the last half of fiscal 2017. A stopgap funding measure, known as a continuing resolution, expires April 28, and Congress will need to put a new spending plan in place by then or face a politically treacherous government shutdown.

The White House earlier this month said it wanted $18 billion in domestic spending cuts for

fiscal 2017 to help fund a $33 billion hike in supplemental defense spending for the final six months of the year. Documents circulated this week mark the first time the administration has offered details on where those supplemental cuts would be taken, the bulk of them — about $7.25 billion — coming from the Labor, Health and Human Services, and Education spending bill.

Lawmakers are unlikely to welcome the domestic cuts that many in both parties have said are not the way to pay for Pentagon increases. Several appropriators said they would prefer the defense hike be counted as emergency spending so it would not require offsetting cuts.

House Minority Whip Steny Hoyer (D-Md.) told reporters today that proposing additional cuts to energy and environmental programs across government is a "non-starter" for the supplemental spending measure. He said Congress should stick to the two-year budget agreement passed in 2015 that sets spending caps for fiscal 2016 and 2017.

"The 'art of the deal' is keeping the deal," he said.

A Senate appropriations aide stressed the reductions were not being floated by Senate Republicans.

The proposed cuts to energy and environmental programs target efforts that President Trump has already said would be or are expected to be cut in fiscal 2018. The full budget proposal for next year is due in May.

Chopping block

Under the proposal for the rest of fiscal 2017, DOE's renewable energy and energy efficiency efforts would face the budget ax.

The administration wants to cut about 25 percent ($516 million) from the $2 billion energy

efficiency and renewable energy program by decreasing grants and rescinding unobligated spending. The Advanced Research Projects Agency-Energy budget, where the department has focused on commercializing clean energy technologies, would be reduced by more than 50 percent ($150 million) from $290 million.

Fossil fuel research programs would also take a more than 50 percent hit ($341 million) from current spending of $631 million for the rest of the year. The savings would come largely by cutting research grants.

At EPA, state environmental grant programs would be cut by about 10 percent ($115 million) from $1.079 billion. The White House notes that the reduction would help the agency ease into far larger reductions of about 44 percent for those grant programs it is seeking for fiscal 2018.

Also marked for cuts would be EPA research and development programs by about 10 percent ($48 million) from $483 million. Documents say the money would come out of climate research programs and grants.

At Interior, the single largest savings would come from tapping $230 million in proceeds in the department's Southern Nevada Public Land Management account, which collects fees from public lands sales around Las Vegas. Other reductions would hit the Abandoned Mine Land Reclamation Program ($90 million) and the payment-in-lieu-of-taxes program ($51 million).

For the National Oceanic and Atmospheric Administration, the proposal would cut funding for the National Sea Grant College Program by $30 million, from its current budget of $73 million. The administration wants to completely eliminate it in fiscal 2018. The program supports research at 33 universities and is popular among both Republicans and Democrats, but the administration calls it a "lower priority research grant program that primarily benefits industry and state and local stakeholders."

Trump is also asking Congress to eliminate funding for the Pacific Coastal Salmon Recovery Fund, noting that it has collected $1 billion since 2000. NOAA has repeatedly — and unsuccessfully — tried to decrease the program's funding. Congress reliably funds it anyway, at $65 million annually.

The Trump administration's proposed cuts would represent a double hit for the agencies.

The reductions would come from current, fiscal 2017 spending, which is mostly based on fiscal 2016 levels since the government has been operating under a CR. In many cases, the current spending is lower than what agencies had sought in their fiscal 2017 budget requests.

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White House Seeks To Start EPA's Budget Cuts In FY17, Sparking New Fight

InsideEPA

By: Amanda Palleschi

Published: March 28, 2017

Sparking a new battle over Trump administration plans to slash federal spending, the White House is proposing to cut an additional $247 million from EPA's budgets when the current spending authorization for fiscal year 2017 expires at the end of April, arguing in part that the effort will "ease the transition" to the more severe cuts being sought for FY18.

But the new plan is sparking stiff opposition from state officials, who are already concerned that the administration's plans to ratchet back spending in FY18 will prevent them from taking on new delegated authorities the administration plans to provide, let alone implement existing responsibilities.

States are "currently underfunded and would find it difficult to accommodate any cuts to air quality grants" in particular, one state air official said. "That is true not only for the steep cuts being proposed for FY 2018, which would be devastating, but also for the possible reductions for FY 2017 that have been reported," the source added.

The administration earlier this week provided to lawmakers a proposed budget amendment that seeks $247 million in cuts to EPA's operating budget from what the agency would otherwise have received if Congress maintained current spending levels through the rest of the year.

The cuts target a handful of EPA programs -- brownfields project grants, Superfund cleanups, the Office of Research and Development (ORD), state categorical grants, and Great Lakes cleanups -- that are already slated for massive cuts or elimination in the administration's controversial FY18 request.

For example, the FY18 request already seeks to eliminate funds for Great Lakes cleanups, while cutting state grants by 45 percent, ORD by 43 percent, brownfields project grants by 40 percent and Superfund cleanups by 30 percent.

'Reduction Options'

But the administration's draft "reduction options" for FY18, first reported by Politico, proposes additional cuts to the programs beginning in the second half of FY17 when the current continuing resolution (CR) -- which had generally funded EPA at FY16 levels -- expires.

The largest cut the administration is seeking is for state categorical grants, funds states use to implement federal programs. The plan seeks to cut $115 million from the $1.08 billion in categorical grants states would have received had current levels been maintained, saying they are not as severe as those planned for FY18.

"These grants fund state environmental programs and offices, which are being significantly scaled back in the FY 2018 proposal. This smaller cut eases into that transition by reducing most grants by -10%, compared to a -44% reduction in the FY 2018 Blueprint," the document says.

Similarly, the proposal seeks an additional $30 million cut from the $500 million the Superfund

cleanup program was expected to receive, adding that the cuts "will ease the program into further reductions in FY 2018."

The document also proposes that ORD be cut by an additional $48 million from the $483 million it was slated to receive, saying the cut will be implemented by eliminating the office's climate change research. "This reduction to ORD scales back climate-related research (such as EPA's contribution to the [U.S. Global Change Research Program] and lower-priority extramural research grants."

For the Great Lakes restoration program, the document seeks a cut of $49 million from the $299 million the program would have received, suggesting it can continue to be funded from "high unobligated and unliquidated balances."

And brownfields is slated for an additional $5 million cut from the $80 million it would otherwise receive. "These grants are meant only to catalyze additional private investment, so even at a reduced level EPA can reach many sites," it says.

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President Trump Risks the Planet

The New York Times

By: The Editorial Board

Published: March 28, 2017

That didn't take long.

Only 10 weeks into his presidency, and at great risk to future generations, Donald Trump has ordered the demolition of most of President Barack Obama's policies to combat climate change by reducing emissions from fossil fuels.

The assault began with Mr. Trump's pledge in Detroit to roll back fuel efficiency standards for cars and trucks, continued with a stingy budget plan that would end funding for climate-related scientific programs and reached an unhappy apex Tuesday with an executive order that, among things, would rescind the centerpiece of Mr. Obama's clean power strategy, a rule that would shut down hundreds of old coal-fired power plants and freeze the construction of new ones.

None of this was unexpected from a man who has described climate change as a hoax invented by the Chinese to destroy American industry and who has surrounded himself with cabinet officers and assistants who know or care little about the issue of global warming and its consequences — and who, in many cases, owe their political success to the largess of the oil, gas and coal companies.

Still, the gathering at the Environmental Protection Agency on Tuesday was deeply dismaying — and not only because of Mr. Trump's tired complaints about job-killing regulations. Or his false promises of more jobs for coal workers whose industry is in irreversible decline because of cheaper natural gas and the tripling in capacity since 2008 of cleaner energy sources like wind and solar.

It was dismaying also because it repudiated the rock-solid scientific consensus that without swift action the consequences of climate change — rising seas, more devastating droughts, widespread species extinction — are likely to get steadily worse. It was dismaying because it reaffirmed the administration's support for older, dirtier energy sources when all the economic momentum and new investment lies with newer, cleaner forms of energy. It was dismaying because it flew in the face of widespread public support for environmental protection — including the pleas of the executives of hundreds of major American corporations who fear that without energy innovation their costs will rise and their competitive edge over foreign companies will be lost.

Perhaps most important, Mr. Trump's ignorance has stripped America of its hard-won role as a global leader on climate issues. There was some relief that Mr. Trump did not use the occasion to withdraw the United States from the Paris agreement concluded in December 2015, when 195 nations came together for the first time in a collective effort to reduce greenhouse gases, in large part because of the tireless efforts of Mr. Obama and his secretary of state, John Kerry, to bring the Chinese and India along.

But the truth is that Mr. Trump has, for all practical purposes, repudiated Paris. The initiatives

that he threatens to dismantle are the very ones that support Mr. Obama's expansive pledge in Paris to reduce America's greenhouse gas emissions by more than one quarter below 2005 levels by 2025. Without them, the United States will have neither the tools nor the credibility to lead the world on emissions reduction, and surely the leaders of China and India and the rest of the world are smart enough to see this.

This raises two very real dangers. Either other big countries also pull out of the agreement. Or they decide to seize the initiative on clean energy sources, which would be good for the climate but bad for American industry.

Are there ways to avert this madness? Yes. Mr. Trump's orders will not take effect right away. The E.P.A. will need a year or longer to develop a replacement for the Clean Power Plan. Progressive states like California and New York will almost surely proceed with their own initiatives to reduce greenhouse gases. And then there is public opinion. It punished the Republicans severely in 1994 when Newt Gingrich and his allies tried to roll back environmental laws. It punished them again in 2008 after eight years of denialism and prevarication on climate change under George W. Bush and his fossil fuel acolyte, Dick Cheney. There is time enough before Mr. Trump's ignorance translates into actual policy for the public to make its opposition to this anti-science agenda felt again.

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Trump is on a rampage to endanger the planet. Now it's up to us to save it.

The Washington Post

By: John Podesta

Published: March 28, 2017

John Podesta, the chair of Hillary Clinton's 2016 presidential campaign, served as counselor to President Barack Obama, where his duties included overseeing climate and energy policy, and chief of staff to Bill Clinton.

President Trump is a man on a mission, or, perhaps better yet, a man on a rampage to reverse President Barack Obama's climate legacy and his substantial achievements in confronting the global threat of climate change.

Unfortunately, that rampage is running smack-dab into the reality that climate change is real and unforgiving. Last week's report by the World Meteorological Organization noted that the world is experiencing record warming, with the past three years being the hottest recorded, rising carbon-dioxide levels, an alarming drop in Arctic and Antarctic sea ice, and severe droughts in southern and eastern Africa and Central America.

As the report warned, the planet is now in truly uncharted territory.

Trump's reaction to the mounting evidence? Ignorance that is not only willful but destructive.

Since taking office, Trump has taken steps to eliminate limits on carbon pollution and increase America's dependence on foreign oil, including by moving to weaken vehicle efficiency standards and import more Canadian tar-sands crude oil . His proposed budget decimates scientific research, he selected an Environmental Protection Agency administrator who denies climate science, and he has just signed a broad executive order that will dismantle environmental protections and cost taxpayers more than $40 billion. Compounding these outrages, he has directed the government to implement an accounting system that would exaggerate the benefits and discount the costs of his actions.

Make no mistake, the Trump administration's rampage against the environment presents an existential threat to the entire planet. But we cannot give up hope that we can still avert the most severe aspects of climate change.

Winning the popular vote by nearly 3 million votes was not enough for Hillary Clinton to win the White House, but those votes nonetheless reflect the voices of a majority of Americans. Public-opinion research consistently finds that most Americans believe climate change is a major problem and support steps to cut carbon pollution.

What's more, a study found that the counties that voted for Clinton and progressive leadership in November generate nearly two-thirds of U.S. economic activity. This is significant because moderate and progressive leaders at the local and state levels can, as a result, guide two-thirds of the U.S. economy into a clean-energy transformation.

We are already seeing this in states such as California and New York, which are establishing themselves as global climate leaders. Mayors from both red and blue states, meanwhile, are continuing to move aggressively to build clean-energy economies and deliver climate solutions.

Thanks to this leadership and innovation and entrepreneurship in the private sector, America's clean-energy economy is strong enough to withstand a short-term change in policy. The Obama administration's focus on emissions reductions and clean energy will not be easily reversed. U.S. net imports of foreign oil fell by more than 50 percent from 2008 to 2016, emissions declined to their lowest level since 1992, and the economy continued to grow.

As much as Trump might try to ignore it, this shift toward clean energy is a global one. More than 130 countries have now officially joined the Paris agreement — a historic pact to reduce greenhouse-gas pollution and build resilience against the destructive effects of climate change. Rather than reverse course in the wake of the U.S. election, these countries have reaffirmed their commitment to the agreement; since the election, more than 30 additional countries have officially joined the pact. The path set by Trump not only is squandering U.S. prestige but also will cede American leadership on clean energy to other major powers, most notably China.

As Americans, we need to do all we can to stop the Trump administration and Republican leaders in Congress from implementing the most anti-environmental agenda in decades. The engagement and direct action being taken by individuals in every community in every state is nothing short of inspiring. Resistance works.

But the political power that can make the biggest difference resides with the governors, mayors and other elected officials who can pick up the climate-change mantle abandoned by the Trump administration and help the United States lead by example. Working together, these leaders can serve as a powerful counterbalance to the lack of climate policy ambition that the Trump administration is demonstrating at the national and international levels.

To be sure, there will be setbacks in the months ahead. The fossil-fuel industries will get their share of handouts from the White House. But there are still plenty of open paths toward a clean-energy future. It is up to all of us to blaze those trails on behalf of our children and grandchildren.

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Meet The Woman Rescuing Fruit and Feeding Her Community

The Huffington Post

By: Zac Thompson

Published: March 28, 2017

Currently, 40% of all food goes to waste in San Diego leaving one in five people in the city food insecure. Food insecurity means, simply, the state of being without reliable access to a sufficient quantity of affordable, nutritious food.

Supermarkets dispose of too much good food, regular consumers waste groceries, and the erosion of environmental resources means that North Americans lead the world in food waste. It's a depressing thought for sure. Luckily, YouTuber and activist Rob Greenfield's new video may give you some hope.

Enter, Nita Kurmins Gilson, the woman bringing fresh fruit to thousands of San Diegans in need. In 2009, Nita learned that one in six people in her county were going to bed hungry. She also saw an abundance of fresh produce going to waste all over the city.

Nita connected the dots to be part of the solution for both food waste and hunger. She began by picking excess fruit from neighborhood trees and hand-delivered it to local food pantries. What started with "one woman, one box, and one car" has expanded to 300 volunteers, and together they have harvested over 100,000 pounds of fresh fruit.

Besides fruit trees, they also harvest excess crops from local small farms, and collect unsold produce from weekly farmers markets.

All to feed children, families, seniors, veterans, and the homeless in need. Nita also speaks to and educates the community about sustainability and food justice. She co-founded CropSwap with the mission to feed the hungry and reduce waste, and she's doing an amazing job!

View the video

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From: Schmidt, Lorie
Location: 7340 WJCN call in number Ex. 6 - Personal Privacy passcode Ex. 6 - Personal Privacy
Importance: Normal
Subject: CPP
Start Date/Time: Thur 3/23/2017 6:30:00 PM
End Date/Time: Thur 3/23/2017 7:30:00 PM

Meeting to talk to Justin re **Ex. 5 - Deliberative Process**

I'm not sure we need an hour, but thought it best to schedule it that way

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Mazza, Carl
Sent: Thur 3/9/2017 8:03:11 PM
Subject: fyi

Back to Greenwire index page.

CLEAN POWER PLAN

Trump order now 'unlikely' this week

Robin Bravender, E&E News reporter

Published: Wednesday, March 8, 2017

An executive order aimed at repealing the Obama administration's signature climate change rule is now "unlikely" to come this week, according to a White House official.

The directive, which had been slated to be signed this week by President Trump, "may be pushed beyond this week," the official said.

Details about the exact timing and contents of that order remain unclear.

The document was previously expected to tackle energy and climate issues broadly by ordering U.S. EPA to undo the Obama administration's Clean Power Plan for greenhouse gases and a related rule to curb new power plants' emissions, and to repeal the coal leasing moratorium on federal lands. Some also speculated that the order could be even broader, tackling additional Obama-era climate and energy policies.

But some sources now say the looming order may be narrower than expected, targeting only EPA rules to limit carbon dioxide emissions from new and existing power plants.

Some supporters of the Clean Power Plan have welcomed the delay, but critics of the rule are eager for the administration to take action.

"For those of us working on the issue, it's a bit frustrating that we don't have the executive order yet," said Jeff Holmstead, an industry attorney at Bracewell LLP who is representing clients suing EPA over the rule

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Hutson, Nick
Sent: Wed 3/8/2017 7:08:48 PM
Subject: in the news

CLEAN POWER PLAN

Trump order now 'unlikely' this week

Robin Bravender, E&E News reporter

Published: Wednesday, March 8, 2017

http://www.eenews.net/greenwire/2017/03/08/stories/1060051144

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From: Ashley, Jackie
Sent: Fri 2/24/2017 6:56:15 PM
Subject: RE: NEWS CLIPS and EPA Daily News Briefing for Friday, February 24, 2017

Another clip for this afternoon….

Thanks.

http://www.politico.com/story/2017/02/donald-trump-federal-agencies-regulatory-reform-task-force-235353

Trump orders agencies to create regulatory reform task forces

By Alex Guillén

02/24/17 12:52 PM EST

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President Donald Trump on Friday ordered federal agencies to begin identifying rules for elimination — a move he presented as part of his larger assault on regulations he said damage the economy.

Trump's move may not have much immediate effect, but it continues an anti-regulatory push that began on the first day of his administration. The executive order he signed in the Oval Office Friday directs each federal agency to set up a "regulatory reform task force" to review an agency's existing regulations and search for rules to repeal or modify. The task forces, in particular, will be directed to "focus on eliminating costly and unnecessary regulations," according to a White House official.

Trump previewed the move in a speech earlier in the day at the Conservative Political Action Conference.

"We have begun a historic program to reduce the regulations that are crushing our economy — crushing," Trump told the CPAC crowd at National Harbor, Md. "And not only our economy, crushing our jobs because companies can't hire. We're going to put the regulation industry out of work and out of business."

The president previously issued an order directing agencies to identify two regulations for repeal for every rule that is written, prompting outcries from environmentalists, labor unions and consumer advocates. Several groups have sued to block that order, although it is not yet clear they will have the standing in court until a regulation is repealed because of it.

Trump's new regulatory review process likely will face similar opposition from those groups, but could prove much harder to challenge, so long as the government cites other evidence for the need to repeal each regulation.

The orders come on top of one of the Trump administration's first acts upon his inauguration issuing a blanket freeze on regulatory actions across the government, similar to the stoppage imposed when Barack Obama first took office.

Trump said in his CPAC speech that he is not entirely against regulation.

"I want to protect our environment. I want regulations for safety. I want all of the regulations we need, and I want them to be so strong and so tough," he said. "But we don't need 75 percent of the repetitive, horrible regulations that hurt companies, hurt jobs, make us noncompetitive overseas with other companies from other countries."

Trump's critics promptly dismissed that statement.

"Cognitive dissonance, thy name is Donald Trump," Sierra Club Executive Director Michael Brune said in a statement.

The president is expected to issue further executive orders on more specific environmental regulations soon.

That includes long-rumored orders directing the Environmental Protection Agency to begin the process of repealing key Obama-era EPA regulations curbing greenhouse gas emissions from the nation's power plants as well as a contentious rule defining which waterways fall under federal jurisdiction.

Lifting the Interior Department's moratorium on new coal mining leases on federal land is also expected to be a priority once Ryan Zinke is confirmed to lead that department next week. The moratorium was imposed by a secretarial order and can be lifted easily, whereas the EPA rules will take up to a year or more to formally unwind through the federal regulatory process.

Tara Palmeri and Nick Juliano contributed to this report.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Evans, Wilma
Sent: Friday, February 24, 2017 1:10 PM
To: Rush, Alan <Rush.Alan@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Vasu, Amy <Vasu.Amy@epa.gov>; Shatas, Angie <Shatas.Angie@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Harnett, Bill <Harnett.Bill@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Alfaro, Carlos <Alfaro.Carlos@epa.gov>; Evarts, Dale <Evarts.Dale@epa.gov>; Smith, Darcie <Smith.Darcie@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Hemby, James <Hemby.James@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Bradfield, John <Bradfield.John@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Gamas, Julia <Gamas.Julia@epa.gov>; Kaufman, Kathy <Kaufman.Kathy@epa.gov>; Mills, Kathy <Mills.Kathy@epa.gov>; Holt, Kay <Holt.Kay@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Bremer, Kristen <Bremer.Kristen@epa.gov>; Bunte, Laura <Bunte.Laura@epa.gov>; Chappell, Linda <Chappell.Linda@epa.gov>; Strine, Lora <Strine.Lora@epa.gov>; Morales, Mariel <Morales.Mariel@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Warner, Maryann <Warner.Maryann@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; South, Peter <South.Peter@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Evans, Ron <Evans.Ron@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Fruh, Steve <Fruh.Steve@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Johnson, Yvonne W

<Johnson.Yvonnew@epa.gov>; Evans, Wilma <Evans.Wilma@epa.gov>; Lessard, Patrick <Lessard.Patrick@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>
Subject: NEWS CLIPS and EPA Daily News Briefing for Friday, February 24, 2017

- One Fewer Clean Power Plan Foe: North Carolina Drops Lawsuit (BLOOM)
- Climate Change a Major Challenge to Feeding Planet, UN Says (BLOOM)
- EPA extends comment deadline for Texas haze plan (GWIRE)

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Friday, February 24, 2017 7:00 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Friday, February 24, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: FRIDAY, FEBRUARY 24, 2017 7:00 AM EST

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Administrator

Media Analyses: Released Emails Show Close Ties Between Pruitt, Energy Industry.

The Wall Street Journal (2/23, Harder, Ailworth) reports that thousands of emails were released earlier this week by order of a state judge showing close contact between Scott Pruitt as Oklahoma's attorney general with oil and natural gas companies. The emails could bolster concerns of conflict of interest by Pruitt's critics.

Bloomberg BNA (2/24, Stecker) reports that former EPA official Dina Kruger, who has experience working under Presidents Clinton, Bush, and Obama, said that the e-mails showing oil and gas companies "inserted their views into the attorney general's talking points" may not be a "radical departure

from previous administrations." Kruger claims that climate change documents developed in the George W. Bush administration commonly used industry language. Some have drawn a comparison between Pruitt's communication with industry to McCarthy's communication with environmental advocates.

The AP (2/23, Biesecker, Causey) highlights one set of e-mails in which Pruitt's executive assistant emailed a lobbyist for American Electric Power asking when power would be restored to the Pruitt's home following a storm-induced outage. Following the email exchange, an AEP work crew "soon arrived" at the Pruitt home.

Bipartisan Group Of Senators Ask Pruitt To Leave RFS Obligation In Place.

The "Morning Energy" blog of Politico (2/23) reported "a bipartisan group of four senators" on Wednesday sent a letter to EPA administrator Scott Pruitt asking him "to leave the Renewable Fuel Standard obligation where it is." The senators "said making a change to the point of obligation would create administrative burden for EPA and 'needlessly inject uncertainty into the fuels market and deter future investments in biofuels.'"

Brownfields/Superfund/Other Cleanups

EPA To Hold Public Sessions On Portland Harbor Superfund Cleanup.

The Portland (OR) Business Journal (2/23) reports that "at the request of community groups and stakeholders," the EPA will hold three community sessions to discuss the Portland Harbor Superfund cleanup plan in March.

Energy

Exxon's New CEO Endorses Carbon Tax.

Bloomberg News (2/23, Carroll) reports new head of ExxonMobil CEO Darren Woods is calling for a carbon tax in his first blog post since succeeding Rex Tillerson last month. Woods said a revenue-neutral carbon tax "would promote greater energy efficiency and the use of today's lower-carbon options, avoid further burdening the economy, and also provide incentives for markets to develop additional low-carbon energy solutions for the future." Woods' comments mirror statements made by Tillerson and is a "continuation of a long-standing corporate policy" implemented during Tillerson's leadership. The Washington Examiner (2/23, Langille) also reports.

DMN Expresses Support For "Market-Based Carbon Reduction Approaches." In an editorial supportive of a recently proposed tax on carbon emissions by former Republican cabinet officials, the Dallas Morning News (2/23) writes "market-based green-energy plans work, and lawmakers need only look to Texas, a fossil fuel intensive state, for evidence." Under "former Gov. Rick Perry's renewable energy policies," the state "attracted billions of dollars in clean energy investments and created jobs that pay salaries that can support a family." Texas leads the US "in wind power and capacity; if it were a country, it would rank about sixth worldwide as a wind energy producer." The editorial asks, "Fossil-fuel lover Rick Perry made Texas greener with wind, so why not try it in Washington?" Conservatives who are "skeptical" should "be embracing smart, market-based carbon reduction approaches built on choices and options. And they need to do it now before it is too late."

Enforcement

Rep. Lamar Calls On EPA To Rescind Pebble Mine Decision.

The Alaska Public Radio Network (2/23, Bendinger) reports that Rep. Lamar Smith, chairman of the House Committee on Science, Space, and Technology, wrote a letter to EPA Administrator Scott Pruitt asking that the agency "rescind its 2014 veto of the Pebble Mine." Rep. Smith "has made the agency's work in Bristol Bay a top priority of the oversight committee," and has previously described the EPA's veto of the Pebble Mine project as "unprecedented," "biased" and based on "questionable science."

E&E Publishing (2/22) reports that Rep. Smith wrote, "This simple action will allow a return to the long-established Clean Water Act permitting process and stop attempts by the EPA to improperly expand its authority."

Conservation Groups Sue EPA To Compel Protections For Wild Salmon.

Reuters (2/23, Zuckerman) reports that US fishing and conservation groups filed a lawsuit against the EPA on Thursday over increased protections for wild salmon, making it the "first court case brought against the EPA under President Donald Trump's newly confirmed chief of the agency, Scott Pruitt." The lawsuit seeks to compel the agency to require dam operators in the Northwest to "control river flows in such a way as to keep water temperatures cool enough for the salmon to survive."

Other News

FERC Releases Update To Environmental Reporting Guidance That Includes Greenhouse Gas Emissions.

Bloomberg News (2/22, Traywick) reports that FERC on Wednesday posted a new manual on environmental reporting which advises project developers to include potential greenhouse-gas emissions in their applications. The update on 2002 guidance "comes just in time for President Donald Trump to potentially kill it." The timing of the revised manual has "no special significance" and was part of a "very large, comprehensive, and detailed effort" by FERC staff, agency spokeswoman Tamara Young-Allen said Wednesday. Young-Allen said the aim is to improve the "overall quality and consistency" of information submitted by project developers, emphasizing that the manual is guidance only and "imposes no new legal obligations."

Rules/Regulations/Policy

Business Roundtable Urges Trump Administration To Cut CPP, WOTUS, Ozone Rules.

E&E Publishing (2/23, Reilly) reports that the Business Roundtable, an association of top U.S. executives, sent a letter to the "National Economic Council Director Gary Cohn listing the National Ambient Air Quality Standards, Clean Power Plan and Waters of the U.S. rules as their top priorities for review." The priorities were identified after the group conducted a survey of its members and received feedback with recommendations on how to mitigate the rules' impacts. The Clean Power Plan, "the roundtable said, should be recrafted to address concerns about EPA overreach and infringement on states' authority. It should provide maximum flexibility for compliance."

North Carolina Files Motion To Withdraw From Lawsuit Against Clean Power Plan.

E&E Publishing (2/23, Reilly) reports that the North Carolina Department of Environmental Quality filed a motion to voluntarily leave the "massive litigation over the Obama administration's signature climate change policy." The state's motion did not give details regarding the withdrawal, although the article notes

that "since filing the litigation, voters in the state elected a Democrat, Ray Cooper, to be governor," and there is also a Democratic attorney general in office.

Daines Says Action On CPP Roll Back To Happen "Imminently."

The "Morning Energy" blog of Politico (2/23) reported Sen. Steve Daines on Wednesday "told the Montana House in a speech" that he had "been assured we will see movement imminently" to "roll back the Clean Power Plan by the Trump administration."

EPA "Flooded" With Comments On Biofuels Rule Change.

Reuters (2/23, Prentice) reports the EPA was "flooded" with public comments over its plan to shift the Renewable Fuel Standard point of obligation. The EPA's proposal would "deny requests from refiners to tweak the U.S. Renewable Fuel Standard (RFS) by pushing the compliance burden further downstream." Reuters says all sides are now "seizing the opportunity to test President Donald Trump's commitment to the program."

California Democrats Introduce Measures To Protect Obama-Era Environmental Policy.

According to Reuters (2/23, Carroll), Democratic state senators in California introduced the "Preserve California" package of bills Thursday that would ensure future federal policies do not "encroach on our far-reaching progressive [environmental] policies," said state Senate Leader Kevin de Leon in a press conference. The measures will make existing Obama-era federal regulations on clean air, water, and endangered species enforceable by state law and prevent the sale of federal lands to oil companies.

Additional coverage was provided by Politico (2/23, Siders), the Los Angeles (CA) Times (2/23, Megerian), the San Francisco (CA) Chronicle (2/23, Gutierrez), and the Sacramento (CA) Bee (2/23, Koseff).

Toxics/TSCA

EPA Strained By Backlog Of Chemicals Needing Approval.

Bloomberg BNA (2/23, Rizzuto) reports that the EPA is working to address a backlog of chemicals needing approval that has nearly doubled in the past eight months. Some chemical industry representatives who previously "found the EPA to be fairly predictable and reasonably quick in its reviews, are saying it is no longer predictable or quick."

EPA Says Fee Rule For Chemical Makers To Be Released Soon.

Bloomberg BNA (2/23, Rizzuto) reports that the EPA's chemical reform bill allowed the agency to collect industry fees of up to $25 million to be used to reimburse the agency's Office of Pollution Prevention and Toxics for costs incurred. A senior EPA official said that a proposed rule detailing these fees chemical manufacturers and processors would pay should be released in the coming months.

Water Infrastructure

Small California Community Faces Water Crises Of Its Own.

WESA-FM Pittsburgh (2/22) reports that Flint is not the only city with difficulties ensuring safe drinking

water. Kettleman City, California has also "been dealing with unsafe drinking water for years" as a result of oil drilling contamination. The city is supposed to get a new treatment plant by next year using state and federal funds, although "some wonder if the federal piece will come through in the new administration."

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One Fewer Clean Power Plan Foe: North Carolina Drops Lawsuit (BLOOM)

By Andrew Childers

Though the Trump administration has vowed to kill the Clean Power Plan, the Obama EPA's limits on carbon dioxide emissions from power plants faces one fewer legal foe.

The North Carolina Department of Environmental Quality told the U.S. Court of Appeals for the District of Columbia Circuit Feb. 23 that it would be withdrawing from the lawsuit (West Virginia v. EPA, D.C. Cir. en banc, No. 15-1363, motion to withdraw 2/23/17).

The move comes after Democratic Gov. Roy Cooper replaced his Republican predecessor Pat McCrory, who had opposed the rule.

The D.C. Circuit heard a full day of argument over the Environmental Protection Agency's carbon dioxide limits (RIN:2060-AR33) in August 2016 and a decision is expected shortly. The Trump administration has vowed to undo the carbon dioxide standards as part of an effort roll back regulatory burdens on the energy sector. Newly installed EPA Administrator Scott Pruitt was among the attorneys general who led the legal battle against the rule.

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To contact the editor responsible for this story: Larry Pearl at lpearl@bna.com Top of the Document

Climate Change a Major Challenge to Feeding Planet, UN Says (BLOOM)

• The world's population is expected to reach 10 billion by 2050, a third more than today

• Increased innovation and adaptation will only raise food output by 15-18 percent

By Eric J. Lyman

Climate change is one of the central challenges the world's farmers, ranchers, and fishermen will face as they gear up to feed a population expected to reach 10 billion by mid-century, the UN says in its most comprehensive study ever of the issue.

A changing climate will impact “every aspect of food production,” disproportionately hurting low- and middle-income communities, where “millions of people depend on agriculture and are vulnerable to food insecurity,” said the 166-page report released Feb. 22 by the Rome-based United Nations Food and Agriculture Organization. The report was the UN's most ambitious effort to date to quantify the challenges of feeding a growing worldwide population.

Though there will be some gains from climate change—such as previously unusable agricultural areas that will become more attractive for agricultural use because of rising temperatures or different rainfall patterns—the overwhelming impact on food production will be negative, the study said.

"Studies have documented that crop yields decline significantly when daytime temperatures exceed a certain crop-specific level," the report said. "Higher temperatures and less reliable supplies of water will … create severe hardships for small-scale livestock producers, particularly in arid and semi-arid grassland and rangeland ecosystems at low latitudes."

Seafood Impact

The report calls for the worldwide adoption of "sustainable land, water, fisheries and forestry management practices," noting that "in order to encourage adoption, improvements will also be necessary in infrastructure, extension, climate information, access to credit, and social insurance."

The report also said that temperature increases will "cause local extinctions of some fish species at the edge of their range" in the medium term, and that physical and chemical changes to the sea will have more severe long-term impacts.

Basing much of its findings on data collected by the Intergovernmental Panel on Climate Change, the FAO report said it had "high confidence" that "climate change will have a 'substantial negative impact' on per capita calorie availability, childhood under-nutrition, and child deaths."

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EPA extends comment deadline for

Texas haze plan (GWIRE)

Sean Reilly, E&E News reporter

Published: Thursday, February 23, 2017

Yielding to requests from power producers and a state regulatory agency, U.S. EPA is adding another 60 days to the public comment period on a proposed regional haze plan for Texas that would affect 14 coal- and gas-fired plants.

The extension, set for publication in tomorrow's Federal Register, means the comment deadline will now be May 5.

The proposed rule would require the 14 plants to adopt "best available retrofit technology" (BART) to curb sulfur dioxide and particulate emissions that cloud visibility at national parks and wilderness areas in four states.

EPA officials had published the proposed rule in early January, with the cutoff for feedback initially scheduled for March 6. But the Texas Commission on Environmental Quality and several of the power producers whose plants would be affected had said they needed more time to evaluate the plan.

"Due to the vast amount of highly technical documents, modeling data, and reports, the TCEQ is requesting the additional time for staff to have the opportunity to thoroughly review and adequately comment on concerns," Richard Hyde, the commission's executive director, wrote in a letter to EPA last month.

Advancing a similar argument was Coleto Creek Power LP, a branch of Dynegy that said the proposal would require it to spend more than $300 million for a sulfur dioxide scrubber at a South Texas coal-fired plant.

"Given the significant impact to CCP, sufficient time must be provided to allow a thorough review of the proposal and the voluminous supporting documents that have been uploaded to the

docket," Coleto Creek power plant manager Robert Stevens wrote in a separate letter last week.

The regional haze program, dating in its current form to 1999, is geared to restoring pristine vistas to 156 national parks and wilderness areas by 2064.

Under the Obama administration, the program was a frequent source of legal clashes between states and EPA over the scope of pollution controls needed to meet that goal. Last July, the 5th U.S. Circuit Court of Appeals stayed a final haze rule for Texas and Oklahoma that EPA had imposed under a separate part of the program; the agency is now seeking court permission to voluntarily remand it.

The more recent BART proposal could furnish an early indicator of newly installed EPA Administrator Scott Pruitt's approach to air quality regulation (Greenwire, Dec. 12, 2016). As Oklahoma's Republican attorney general, Pruitt waged an unsuccessful three-year legal battle to overturn an EPA haze plan for that state. His office in 2013 also welcomed input from a mining industry lawyer who was representing Arizona in litigation over yet another haze rule, according to a trove of internal emails made public yesterday (Greenwire, Feb. 22).

Under the terms of a consent decree with environmental groups, EPA is supposed to have the final version of the Texas BART plan in place by early September. Stevens, however, said the agency could seek to push back that deadline if needed.

As currently drafted, the BART proposal would improve visibility in Big Bend and Guadalupe Mountains national parks in Texas; the Wichita Mountains Wildlife Refuge in Oklahoma; the Caney Creek and Upper Buffalo River wilderness areas in Arkansas; and Carlsbad Caverns National Park and the Salt Creek and White Mountain wilderness areas in New Mexico, according to EPA. Top of the Document

To: Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Hoffman, Howard
Sent: Thur 2/23/2017 9:17:34 PM
Subject: FW: Air & Radiation Law News for February 22, 2017

Coal Mining

U.S. Coal Mines Are Opening in a Year of 'Cautious Optimism'

• Price rally is helping Appalachian miners recover from a bust

• Corsa has received hundreds of job applications for new mine

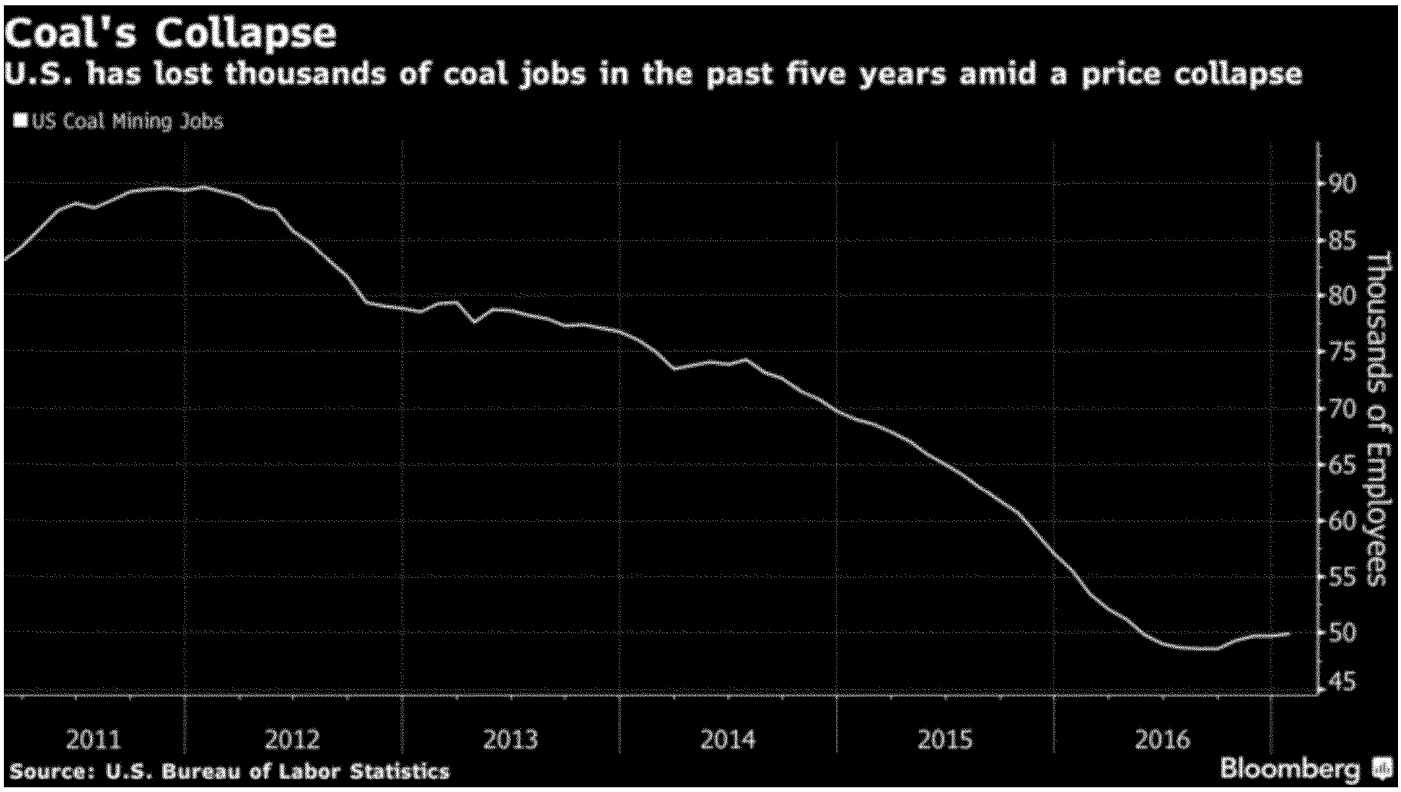
By Tim Loh

Add Corsa Coal Corp. to the short list of U.S. coal producers doing something that's become a bit of a rarity these days: opening mines.

The Canonsburg, Pennsylvania-based company will start a new operation in Pennsylvania as early as May. It joins Ramaco Resources Inc., which began producing at its first mine in West Virginia in December and plans to open two more this year in Central Appalachia. They're among the few turning more bullish on the business following an unprecedented market collapse that has shut hundreds of mines and left thousands jobless in recent years.

"We're staffing up," Corsa Chief Executive Officer George Dethlefsen said in a phone interview this week. "We're going to hire 100 people, and we've gotten hundreds of applications."

There's newfound optimism in America's coalfields with spot prices for metallurgical coal—the sort used in steelmaking—twice as high as they were a year ago. China curtailing its own production and tightening seaborne markets helped stoke a rally last year. President Donald Trump is now promising to bring coal jobs back, making his first move this week to roll back Obama-era environmental regulations that targeted the sector.



"There's definitely cautious optimism after years of being brutally beaten down," Jeremy Sussman, an analyst at Clarksons Platou Securities Inc., said in a phone interview.

Global demand for the carbon-intensive, power-plant fuel is still weakening. A new age of clean, cheap natural gas and renewables has emerged, thanks to the shale boom and fears of global warming. Miners including Corsa have said they're focused on financial metrics such as rates of return and credit ratings rather than simply production to survive in the shrinking market.

'Very Big Shot'

Earlier this month, Ramaco held the industry's first initial public offering in two years. On top of the three mines it's planning to open this year, the miner's working to get one in Pennsylvania permitted so it can start operations in 2019.

"We will be a very big shot in the arm down into an area that certainly needs some help and good news," Ramaco Chairman Randall Atkins said in a phone interview.

Ramaco LLC, a related entity that wasn't part of the public offering, is also trying to get permitted to start mining at the Brook thermal coal complex in Wyoming's Powder River Basin. And in August, Warrior Met Coal LLC, which assumed ownership of bankrupt Walter Energy Inc.'s core assets, re-opened its Mine No. 4 in Alabama.

AK Coal Resources, a unit of AK Steel Holding Corp., already has mining permits in place in Pennsylvania and may increase production there this year, Chief Operating Officer Kirk Reich said in a January call with analysts.

Dethlefsen said starting operations at Corsa's new Acosta Deep mine in Pennsylvania will help the company fulfill it's goal of selling as much as 1.3 million tons of metallurgical coal in 2017, twice as much as it did last year.

"If prices just froze where they're at today, most mines in our area and southern West Virginia are doing very good," Dethlefsen said. "New projects are getting started on that basis."

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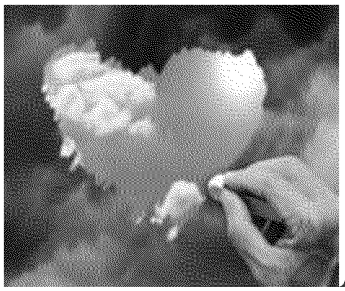


Air & Radiation Law News

for February 22, 2017

Bloomberg BNA Daily Environment Report™

LEADING THE NEWS

EPA

White House Vetting Pruitt Choices for EPA Leadership: Adviser

The White House is collaborating with newly minted EPA administrator Scott Pruitt to vet candidates for the agency's leadership team, but the speed of confirmations is largely up to a Senate already dogged by intransigence, a top White...

NEWS

Air Pollution

India Green Minister Suggests He Doesn't Believe Pollution Data

India's environment minister said pollution is a problem for local authorities and suggested he doesn't believe some data showing that the nation has some of the most dirty air in the world....

Biofuels

Chicken Feces Becoming Vehicle Fuel in Brazilian Farm Project

A Brazilian/Paraguayan firm will soon begin producing automotive fuel from fermented chicken feces....

Climate Change

Russia Won't Pick Fight with Trump on Climate, Lawmaker Says

Russia intends to stick to international climate commitments, though it may not argue with President Donald Trump if he decides to weaken U.S. adherence to the Paris accord, according to a senior Russian lawmaker....

Climate Policy

War Is the Climate Risk That Europe's Leaders Are Talking About

Among the 21st-century threats posed by climate change—rising seas, melting permafrost and superstorms—European leaders are warning of a last-century risk they know all too well: War....

Coal Mining

U.S. Coal Mines Are Opening in a Year of 'Cautious Optimism'

Add Corsa Coal Corp. to the short list of U.S. coal producers doing something that's become a bit of a rarity these days: opening mines....

Energy

Advanced Nuclear Needs Funds, Market Changes, Industry Says

Nuclear companies are calling for increased federal funding and market design changes to support the development of advanced reactor technologies, still away years from commercialization. ...

Energy

China Nuclear Push Seen Stalled by Next-Generation Reactors

China's decision to approve its first new nuclear reactors in two years may need to wait for its success starting up the world's first next-generation units....

Energy

Dominion's Nuclear 'Bailout' a Do-Or-Die Moment for Opponents

Environmental groups opposed to subsidies for nuclear power may be facing a do-or-die moment in Connecticut....

Energy

European's Fossil Fuel Use Continues to Drop, Data Show

Fossil fuel use in the European Union continues its slow but steady decline, providing 73 percent of energy in 2015 compared to 83 percent in 1990, according to data issued by the bloc's statistical agency....

Energy

Tax Break Long Coveted by Utilities Threatened by U.S. Reform

U.S. utility owners from Duke Energy Corp. to NextEra Energy Inc. are warning investors that their earnings may take a hit from tax reforms being floated in Washington....

EPA

Trump's New EPA Head Woos Skeptical Staff with a New Mission

President Donald Trump's newly installed environmental chief Scott Pruitt laid out his vision for reshaping the way the federal government safeguards air and water, as he tried to convince skeptical federal employees that...

General Policy

French Companies Could Face Big Fines for Overseas Environment Damage

French multinationals that fail to plan for environmental and other accidents abroad face potentially huge fines under a bill inspired by a 2013 building collapse that killed 1,000 Bangladesh garment factory workers. ...

International Climate

How EU Can Limit Coal's Life for the Cost of a Pint of Beer

Driving most of Europe's dirtiest power plants into retirement is probably cheaper than you think....

International Climate

Quebec Follows Ontario in Foray into Booming Green Bond Market

The Province of Quebec is poised to become the second Canadian region to sell bonds that finance environment-friendly projects....

Renewable Energy

Big Batteries Coming of Age Prompt Bankers to Place Bets

The idea that giant batteries may someday revolutionize electrical grids has long enthralled clean-power advocates and environmentalists. Now it's attracting bankers with the money to make it happen....

Renewable Energy

India's New Auction Lights Way to Modi Green Target, Dims Coal

Record low Indian solar tariffs tendered at a groundbreaking auction may catalyze green investments and help tip the balance of new power to renewables and away from fossil fuels....

Trade

U.S. Blocks India's Request for WTO Renewables Investigation

The U.S. blocked India's initial request for a World Trade Organization inquiry into a series of U.S. subsidies and requirements in the renewable energy sector. ...

Vehicle Fuels

Ethanol Industry Sees Growth Amid Trump's Regulatory Overhaul

American ethanol producers see an opportunity to tap new sources of demand as President Donald Trump focuses on reducing federal regulations....

Vehicle Fuels

Shell Takes Small Step to Fuel Toyota's Giant Hydrogen Leap

Royal Dutch Shell Plc will build seven fueling stations for hydrogen cars in California through a partnership with Toyota Motor Corp., laying down their latest bet on the demise of the internal-combustion

engine....

Vehicle Fuels

Trump Reaffirms Support for Ethanol Amid Its Fight with Icahn

President Donald Trump reiterated his support for American ethanol in a letter Feb. 21, wading into the industry's battle with independent oil refiners and billionaire Carl Icahn over whether parts of a federal mandate should be changed....

Inside EPA's **Clean Air Report,** 02/23/2017

https://insideepa.com/newsletters/clean-air-report

Latest News

EPA Administrator Scott Pruitt Details Priorities, Principles

EPA Administrator Scott Pruitt, sworn in Feb. 17 shortly after his Senate confirmation, has begun to detail some of his priorities and principles for his time in office.

Facing Trump EPA, 'Integrity Project' Makes Political Messaging Top Priority

Facing President Donald Trump's deregulatory push at EPA, the Environmental Integrity Project (EIP) -- a group best known for its use of citizen suits and other measures to strictly enforce environmental laws -- is shifting its top priority to a broad-based communications effort to challenge longstanding anti-EPA messaging from industry and the GOP.

Ozone Implementation Plan Shows Major Divisions Among Stakeholders

EPA's proposal for how to implement its latest ozone ambient air standard is highlighting major divisions among stakeholders, with several states and industry groups faulting the agency's approach to weighing international emissions in states' compliance plans and environmentalists attacking parts of the rule as too weak to reduce ozone.

EPA Preserves Obama-Era Website But Climate Change Data Doubts Remain

EPA has posted a link to an archived version of its website from Jan. 19, the day before President Donald Trump was inaugurated and the agency began removing climate change-related information from its official site, saying the move comes in response to concerns that it would permanently scrub such data.

Daily Feed

Pruitt's first speech gets a mixed reaction

"It's good if it means he wants to listen to EPA employees before making any wholesale changes," one EPA source says.

Our most read: Pruitt enters, McCarthy exits, McCabe returns to Region 2

Less than one week into the dawning of a new EPA era.

House committee leaders seek delay in mining financial rule

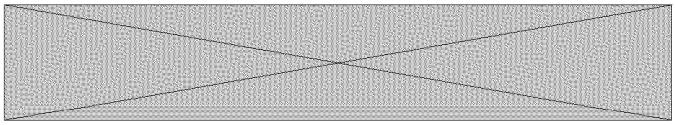
The lawmakers say a much longer comment period is needed in light of the considerable impact EPA's rule would have on the mining industry.

Texas sues EPA over SO2 nonattainment designations

It is unclear whether the Pruitt EPA will defend the Obama-era SO2 designation rule.

Ewire: A daily news roundup

Details emerge on Trump's executive actions directing EPA to reexamine the Clean Power Plan and its Clean Water Act jurisdiction rule. Plus, Scott Pruitt's agenda and Gina McCarthy's accomplishments.



EPA

Pruitt's pitch to staff: Give me a chance

Robin Bravender and Kevin Bogardus, E&E News reporters

Published: Tuesday, February 21, 2017

U.S. EPA Administrator Scott Pruitt addressed agency staff for the first time today. Photo by Susan Walsh, courtesy of AP images.

Scott Pruitt talked up his listening skills and desire for "civility" as he addressed a skeptical U.S. EPA staff today.

In his first speech to the agency since his swearing in as EPA administrator Friday, Pruitt stressed his respect for the agency's career staff. He hinted broadly at big changes that are expected to come to the agency under the Trump administration, although he declined to offer specific plans about efforts to repeal Obama administration environmental rules.

Many career EPA staffers have been wary about Pruitt's arrival after the former Oklahoma attorney general battled the agency's regulations in court and vowed major overhauls at the agency.

CONTINUING COVERAGE

POWER SHIFT

E&E News' ongoing coverage of the new administration and the changes taking place on Capitol Hill. Click here to view the continuing coverage.

But Pruitt today cautioned those listening against jumping to conclusions.

"You don't know me very well," he told staff and press gathered in the Rachel Carson Green Room at EPA headquarters in Washington.

"In fact, you don't know me hardly at all other than what you've read in the newspaper and seen on the

news," he said. "I might suggest to you ... I look forward to sharing the rest of the story with you as we spend time together. This is a beginning. It's a beginning for us to spend time and discuss certain principles by which I think this agency should conduct itself."

Pruitt steered clear of specifics about the Trump administration's energy policies in his 11-minute speech. He didn't, for example, delve into plans for withdrawing the Obama administration's Waters of the U.S. rule and Clean Power Plan, which he and President Trump have said they plan to do (*Greenwire*, Feb. 20).

Instead, Pruitt's greeting today appeared to be an attempt to calm the waters at the agency where many staffers are anxious.

"Civility is something I believe in very much. We ought to be able to get together and wrestle through some very difficult issues and do so in a civil manner," he told employees.

He added, "I seek to be a good listener. Those of you that have been here for quite some time, whether it's in the air area or water or whatever area that you may be in, I look forward to spending time with you, not just to address certain issues but really spend time and dig down deep with respect to how we're going to do business in the future and get to know you personally and get to know how I can be a resource to you as you do your work. ... You can't lead unless you listen."

The new administrator hinted broadly at some of the reforms he'd like to see at EPA. He said the agency has a responsibility to "avoid abuses that occur sometimes" in rulemaking, and he stressed the importance of following the "rule of law" and in partnering with states through federalism. "I seek to ensure that we engender the trust of those at the state level," he said.

Catherine McCabe, who served as EPA's acting boss ahead of Pruitt's confirmation, offered the new administrator gifts, including an EPA lapel pin and an agency baseball cap.

Pruitt, the former co-owner of Oklahoma City's minor league baseball team, said he'd wear the EPA hat with pride to Washington Nationals games.

"I am excited about being in a city that actually has a major league baseball team," he said.

Some EPA employees attended today's event in person. Others tuned in online or listened by phone.

As Pruitt settles into his job, EPA staff and environmentalists will be watching closely to see how he leads the agency.

Agency employees were "hoping not to hear 'Death and Destruction for EPA,'" said John O'Grady, an EPA union leader, ahead of the speech. "Probably what we will hear is a lot of very smooth political talk, but the proof will be in the executive orders that President Trump issues."

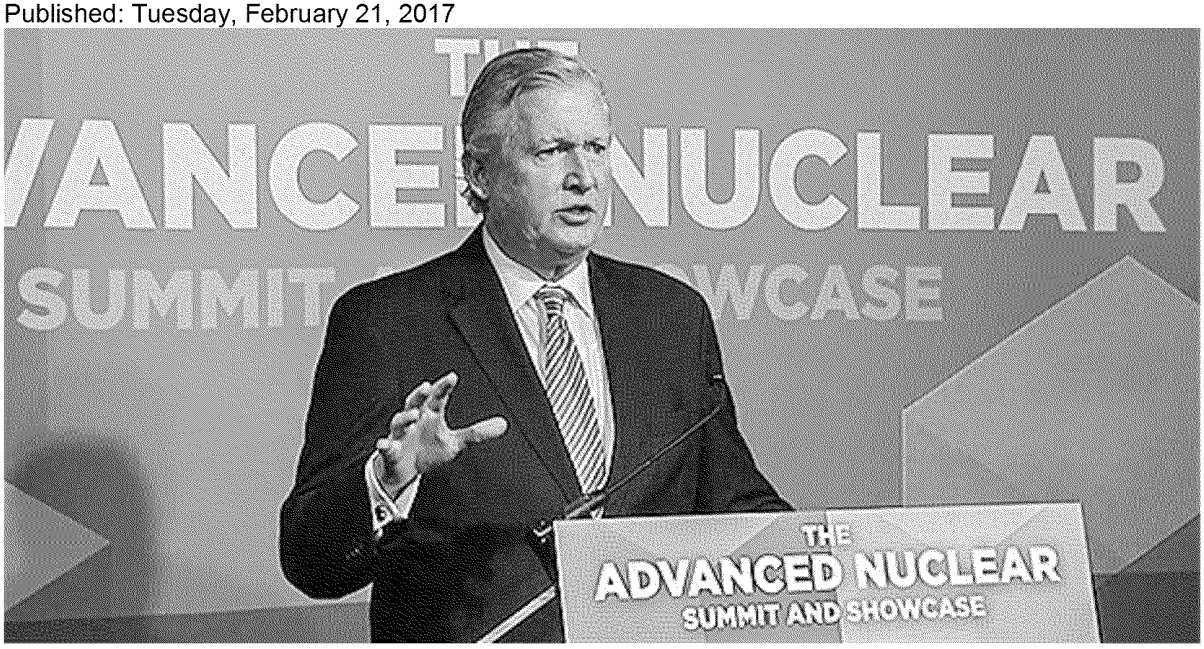
The Trump administration is widely expected to issue executive orders directing the rollback of some of President Obama's signature environmental rules, including the Clean Power Plan and WOTUS. Those orders are expected to come as early as this week.

DOE

Industry fears budget fight will chill nuclear, grid work

Hannah Northey, E&E News reporter

Published: Tuesday, February 21, 2017



Exelon Corp. CEO Chris Crane spoke today during a Third Way event on nuclear energy. Photo courtesy of Third Way Advanced Nuclear Summit.

A growing chorus of industry executives is warning that squeezing the Department of Energy's finances could stall a push to modernize the nation's sprawling electric grid and nuclear fleet.

The Trump administration has made repeated pledges to scale back federal agencies, sending chills through the government workforce and sparking rumors about DOE renewable energy, efficiency and nuclear physics and scientific computing programs being on the chopping block.

Industry heads are pushing back.

Acknowledging the White House focus on federal spending, Chris Crane, president and CEO of Exelon Corp., told attendees at a nuclear summit in Washington today that DOE labs are a linchpin of ongoing nuclear research and development.

"One of my recommendations ... is understand where the money goes," Crane said at Third Way's Advanced Nuclear Summit. "The majority of the money at the DOE goes to the labs, and the labs are critical for us to continue to be competitive going forward."

DOE in recent years has provided hundreds of millions of dollars in partnerships to support nuclear research and development and billion-dollar loan guarantees, and work on reactor designs and waste management is ongoing at the Idaho National Laboratory. Sponsoring the Third Way event were the Argonne, Oak Ridge and Idaho national laboratories.

On a panel following Crane's speech, John Hopkins, president and CEO of NuScale Power, said he has yet to hear anyone within the new administration say anything unsupportive of nuclear power and said a number of holdover career staffers at DOE have a very good understanding of the nuclear sector's needs.

But Hopkins quickly followed up by emphasizing the importance of federal support, including loan guarantees and public-private partnerships to streamline permitting for small modular reactors.

Similar concerns were sounded last week on Capitol Hill about grid work.

Union leaders, transmission developers and the head of the Electric Power Research Institute told members of the House Energy and Commerce Subcommittee on Energy that DOE and its 17 national labs are critical for developing and commercializing new grid technologies.

At least one witness expressed fears that budget cuts could halt that work.

"I'm certainly concerned our current administration will look at DOE and look at it as an opportunity to reduce funding for the good R&D that they do," said Steve Hauser, CEO of the GridWise Alliance. "I think stability is very important for an R&D program."

Michael Howard, EPRI's president and CEO, said ongoing material science and basic research in the national labs is a critical platform for technology that's later taken over by private industry, and funding for those programs is already low.

The federal government, he said, should continue supporting costly demonstrations to make sure the technology works.

"It's not like we can shut down the grid ... and start it back up with it all modernized," Howard said. "We need to know for sure these technologies will work."

Perry's test

The industry's uncertainty is playing into intense speculation about debates surrounding the fiscal 2018 budget.

While expectations are high that Republicans and the Trump administration will push for cuts to some DOE programs, it's unclear how deep the cuts will be, what Congress will pass and whether former Texas Gov. Rick Perry (R), President Trump's nominee to lead the agency, will push back.

Also in the mix is the administration's reliance on conservative think tanks like the Heritage Foundation, which has called for shuttering the DOE offices and energy innovation hubs that work on grid modernization, as well as the Office of Nuclear Energy.

Perry discussed the benefit of DOE programs during his confirmation hearing before the Senate Energy and Natural Resources Committee, calling the national labs a "crown jewel" and vowing to defend the agency's work if confirmed.

The budget represents the first "real test" of whether Trump defers to his Cabinet appointees on funding or listens to White House officials who have called for deep cuts, said Jeff Navin, co-founder and partner at Boundary Stone Partners and a deputy chief of staff at DOE during the Obama administration.

"If the president is going to defer to the people he appointed to his Cabinet, then Perry wins, and we'll see smaller cuts to specific programs," Navin said. "If the Cabinet is going to take orders from the right wing ideologues in the White House, then we'll see brutal, massive cuts in the proposal."

Perry, for example, could be up against former Rep. Mick Mulvaney (R-S.C.), the newly confirmed head of the Office of Management and Budget.

As a member of the House, Mulvaney in 2012 offered up an amendment to an energy and water bill that

would have slashed DOE funding by $3.1 billion (*Greenwire*, Feb. 3).

But Navin said deep cuts could face an uphill slog in Congress.

"There is very little appetite in the Senate for the kinds of deep cuts that Mulvaney unsuccessfully pushed in a very conservative House and that Heritage is pushing in its blueprint," he said. "It will be an important symbolic fight, and it will be the first public test as to how much freedom Perry will be given in managing his agency."

REGULATIONS

As Senate Dems cross aisle, a search for compromise

Arianna Skibell, E&E News reporter

Published: Tuesday, February 21, 2017

(Left to right) Democratic Sens. Claire McCaskill of Missouri and Heidi Heitkamp of North Dakota have been involved in the regulatory reform discussion. Photos by U.S. Senate/Wikipedia (McCaskill), Lance Cheung/U.S. Department of Agriculture (Heitkamp).

A few Senate Democrats are reaching across the aisle and looking for compromise on reforming the way federal agencies issue and review regulations.

North Dakota Sen. Heidi Heitkamp, a moderate Democrat and reform advocate, acknowledged that her caucus is deeply divided on the issue but said she's working with Republicans on a deal. Regulatory reform is a GOP priority.

"We're doing a whole discussion on the role of benefit-cost or cost-benefit analysis in rulemaking, so I think you'll see some additional things rolling out if we're successful in finalizing a compromise," she told E&E News.

Heitkamp and Sen. James Lankford (R-Okla.), a regulatory reform leader in his caucus, are working on a bipartisan bill that could debut next month, sources say.

The duo, ranking member and chairman of the Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management, have long partnered on efforts to streamline the system.

In the past session of Congress, they proposed the "Smarter Regulations Through Advance Planning and Review Act," S. 1817, which would require agencies to write rules in a way that facilitates better retroactive review.

Another measure that is likely to see bipartisan action this year is the "Regulatory Accountability Act," which has passed the House six times with as many as 19 Democratic votes.

It would require federal agencies to identify the objective of a proposed rule and choose the lowest-cost alternative, among other provisions (*E&E Daily*, Jan. 12).

"We're working on it," Sen. Claire McCaskill (D-Mo.) said of the measure and its prospects in her chamber.

Sen. Rob Portman (R-Ohio), who has backed similar legislation, said he was hopeful it could get play this year, though he would like to see changes to the House bundle.

"I'd like to see some tweaks to it," he said. "They put it in a larger package, H.R. 5, and we'd like to pull out the 'Regulatory Accountability Act' and hopefully get a separate vote on that."

He added: "The 'Regulatory Accountability Act' has always been bipartisan."

Sen. Jim Inhofe (R-Okla.), however, said Democratic efforts to reform rulemaking are "merely for campaign purposes."

"All of them who are talking about that are ones who are endangered species for 2018," he said. "It's primarily the individuals who are trying to modify their position because they're from states that were carried by Trump."

While Heitkamp and McCaskill are up for re-election in 2018, supporting regulatory reform measures has not always guaranteed re-election for Democrats in red states.

Two-term Democratic Sen. Mark Pryor of Arkansas lost in 2014 to freshman Rep. Tom Cotton, despite Pryor championing the "RAA" with Portman in 2011.

Since President Trump released his "2-for-1" executive order — which requires agencies to nix two rules for every new one — there has been increased discussion on Capitol Hill about methods for reviewing existing standards (*E&E Daily*, Feb. 7).

In addition to prompting dialogue, Trump's order bolstered Republicans who would see agencies take costs and economic impacts into greater consideration when issuing rules.

"There are costs and benefits, and they're supposed to look at costs as well as benefits," said Environment and Public Works Chairman John Barrasso (R-Wyo.).

"It's very important that we have clean air, clean water, clean land, that we protect our environment and do it in ways that allow for a strong and healthy economy," he said. "We can have both."

While there is bipartisan agreement that agencies could do a better job reviewing and possibly tossing old rules that are obsolete or ineffective, requiring agencies to find the least costly alternative is likely a deal breaker for many Democrats who see GOP attempts to reform the system as a guise for stagnation and obstruction.

"I think if it's really regulatory reform that makes unnecessary obsolete regulations come into conformance with modern days, we're all for that," said Sen. Sheldon Whitehouse (D-R.I.).

"But every time they talk this way," he said, "you look behind the curtain and it's Wall Street and the big polluters."

WHITE HOUSE

Top energy aides get to work

Robin Bravender, E&E News reporter

Published: Tuesday, February 21, 2017

Mike Catanzaro and George David Banks will be helping to shape President Trump's domestic and international energy policies. Photo by Tom Williams (Catanzaro), courtesy of LinkedIn (Banks).

Two top energy aides have started work at the White House as the Trump administration is expected to double down on its efforts to repeal Obama-era environmental policies.

Mike Catanzaro, a former lobbyist at CGCN Group, started work today as special assistant to the president for energy and environmental policy in the White House National Economic Council, according to White House spokeswoman Kelly Love.

George David Banks, formerly executive vice president at the nonprofit policy group American Council for Capital Formation, started Feb. 16 as special assistant to the president and senior director for

international energy and environment, Love said.

CONTINUING COVERAGE

E&E News' ongoing coverage of the new administration and the changes taking place on Capitol Hill. Click here to view the continuing coverage.

The new hires in the White House — who have both worked on energy issues on Capitol Hill and the executive branch — are expected to have major roles in guiding the Trump administration's energy policy (*Greenwire*, Feb. 8).

Scott Segal, an energy lobbyist at Bracewell LLP, called it a "welcome relief" to have staffers with significant experience on energy policy starting work in the White House.

"In a general sense, the White House, I believe, would have a greater range of motion if they've got some dedicated staff to the particular issues," Segal said. "These guys in particular are very good."

Catanzaro and Banks are starting in their new roles as leaders for energy and environmental agencies are getting into place and as the White House is expected to soon roll out executive orders aimed at rolling back Obama administration environmental regulations.

U.S. EPA Administrator Scott Pruitt was sworn in Friday, and Interior secretary nominee Ryan Zinke and Energy secretary nominee Rick Perry are expected to win Senate confirmation in the coming weeks.

Observers expect to see executive orders on energy policy come as early as this week, now that key members of Trump's energy team are in place.

President Trump could start signing executive orders as early as today.

The Washington Post reported that two directives will likely be coming soon: one that would direct EPA to begin rewriting the Clean Power Plan and another to lift the Obama administration's moratorium on federal coal leasing. The second order would instruct EPA and the Army Corps of Engineers to redo the so-called Waters of the U.S. (WOTUS) rule.

Although expected, such moves would be fiercely opposed by environmentalists, Democrats and former Obama administration officials who spent years crafting those regulations.

Speculation abounds over the exact content and timing of the looming orders, but they are expected to largely reflect Trump's energy promises on the campaign trail.

Pruitt told *The Wall Street Journal* that he expects to soon withdraw WOTUS and the Clean Power Plan, which was aimed at curbing carbon emissions from power plants (*Greenwire*, Feb. 20).

"There has been much anticipation of what direction the White House might give after the confirmation of Scott Pruitt," Segal said.

During the campaign, Trump "sounded some particular themes: energy independence, the relationship to security, regulatory reform, the relationship between affordable energy and manufacturing jobs," Segal said. "We are anticipating executive direction" on some of those themes, he added.

LAW

Former EPA staffers expand firm, open Okla. office

Kevin Bogardus, E&E News reporter

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Earth & Water Group is expanding its business.

The environmental law and consulting firm is opening a new office in Oklahoma City. In addition, Mary Ellen Ternes, once a shareholder with Crowe & Dunlevy, has joined the management team as a partner of Earth & Water Law LLC.

Mary Ellen Ternes. Photo courtesy of Earth & Water Group.

Ternes is a prominent environmental lawyer and serves on several bodies, including the Vanderbilt University external advisory committee to the Department of Chemical and Biomolecular Engineering and as secretary for the American College of Environmental Lawyers. She earned her law degree from the University of Arkansas, Little Rock, and her bachelor's degree in chemical engineering from Vanderbilt University.

Earth & Water is staffed by several former U.S. EPA officials that provide legal and strategic counseling to clients on environmental issues. The firm was founded last year (*Greenwire*, Jan. 19).

Brent Fewell, Earth & Water's chairman and a former deputy EPA water chief during the George W. Bush administration, said Ternes' hire would be a great addition to the firm.

"We are thrilled to have Mary Ellen join our team to continue the growth of Earth & Water Law's environmental and corporate practice areas, as well as having the opportunity through her to expand our practice into the Southwest," Fewell said.

Ternes said she is happy to come aboard.

"I am excited to be joining the Earth & Water Group now, at the beginning of the new Trump administration, where there is promise of regulatory relief if we navigate carefully," Ternes said. "Earth & Water is unique in bringing together the most critical skill sets in science, engineering, cybertechnology, law and finance for responding to the upcoming needs of clients most efficiently in these complicated times."

BIOFUELS

Trump regulatory reform may boost ethanol — industry leader

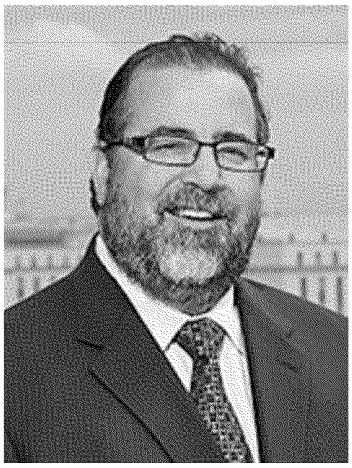
Marc Heller, E&E News reporter

Published: Tuesday, February 21, 2017

President Trump's pledge to trim federal regulations may help ethanol advocates push for fuel containing more of the alternative biofuel, a major industry booster said today.

Bob Dinneen, president and CEO of the Renewable Fuels Association, said a less cumbersome regulatory framework could speed the introduction of higher-ethanol fuels around the country.

"All of these regulatory barriers are in the weeds," Dinneen said in a speech to be delivered at the association's annual conference in San Diego today, which the RFA distributed to reporters. "But they can all be eliminated through rational regulatory reform efforts, and each will have an immediate impact in stimulating additional ethanol demand."



Bob Dinneen. Photo courtesy of the Renewable Fuels Association.

Dinneen said he continues to believe Trump supports ethanol as part of a comprehensive energy policy and that new U.S. EPA Administrator Scott Pruitt will implement the federal renewable fuel standard as Congress intended in writing the RFS law in 2005 and updating it two years later.

Specifically, Dinneen said the government could simplify the petition process for new certification fuels and eliminate "unreasonable" criteria for approval. During the Obama administration, he said, EPA placed

"incredibly rigid and unrealistic requirements" on the certification process, discouraging automakers from submitting fuel certification petitions.

In addition, he said, the government requires too much testing of higher-ethanol fuels ahead of approving them for wider sales. E15 fuel, which is 15 percent ethanol, underwent testing for emissions, driveability, materials comparability, soil contamination and health effects.

"Is all that testing really necessary?" Dinneen said, adding that fuels such as E25 and E30 could be broadly commercialized if the registration process were simplified.

"The bottom line is EPA should be fair and equitable in how it provides incentives for alternative fuel vehicle production," Dinneen said.

Ethanol critics say the higher blends risk damage to small engines and some vehicles, and a handful of lawmakers in Congress have vowed to try to scale back the RFS.

The new administration hasn't weighed in on specifics. Trump spoke favorably of ethanol during the campaign, but Pruitt was critical of the RFS as attorney general in Oklahoma, and in his confirmation hearing, he stopped short of saying he supports the RFS as written.

DOE

Lawmakers ask Trump to put secretary back on security panel

Hannah Northey, E&E News reporter

Published: Tuesday, February 21, 2017

President Trump's removal of the Energy secretary from a national security panel has sparked pushback on Capitol Hill.

Rep. Frank Pallone (D-N.J.), ranking member of the House Energy and Commerce Committee, and Rep. Bobby Rush (D-Ill.) urged Trump in a letter today to put the Department of Energy chief back on the National Security Council's Principals Committee.

The panel serves as a Cabinet-level senior interagency forum on policies affecting national security.

"Recent press reports have indicated that staff may have failed to fully brief you on the full meaning of the changes put in place by the Jan. 28 memorandum," the lawmakers wrote. "Specifically, we believe that sidelining the Secretary of Energy from the highest level of our nation's national security dialogue is extremely ill-advised."

Trump signed a memo last month that elevated his chief strategist, Steve Bannon, as a regular NSC member but removed the secretary of Energy. The rest of the panel comprises the chairman of the Joint Chiefs of Staff and the director of national intelligence by invitation (*Greenwire*, Feb. 1).

Under the Trump memo, the DOE secretary is listed as an NSC "regular attendee" but is no longer a member of the Principals Committee. The memo tasked the national security adviser and homeland security adviser with chairing the Principals Committee's meetings and makes clear that those advisers can invite Cabinet-level heads of executive departments and agencies like DOE.

In comparison, a 2009 memo that organized the council under the Obama administration included the

Energy secretary as a "regular member" of the Principals Committee. Trump's order also removed DOE officials from an NSC Deputies Committee.

"The absence of this perspective on the NSC Principals Committee could have dire consequences for our nation's safety and security," Pallone and Rush wrote.

Sen. Maria Cantwell (D-Wash.), the Energy and Natural Resources Committee's ranking member, earlier this month questioned why a secretary tasked with overseeing the nation's nuclear stockpile and massive facilities housing far-reaching technical data, science and expertise would be removed.

Republicans have also voiced concern about the NSC's reorganization.

During a recent interview, Senate Armed Services Chairman John McCain (R-Ariz.), who has called Trump's reshuffling of the council a "radical departure," said Congress can weigh in on the size but not the makeup of the council.

"I can't take action," McCain said. "We passed legislation that reduced the size ... but I'm not sure Congress can tell the president specifically who he wants on his national security team."

DEFENSE

Hawaii spill sparks bid to upgrade Navy fuel storage

Sam Mintz, E&E News reporter

Published: Tuesday, February 21, 2017

The Hawaii congressional delegation is pushing the Navy and U.S. EPA to follow through on upgrading a critical military fuel storage facility on Oahu that was the site of a 27,000-gallon jet fuel leak in 2014.

Legislation introduced last week by a pair of Hawaiian Democrats, Sen. Brian Schatz and Rep. Colleen Hanabusa, would ensure that the Navy, the Defense Logistics Agency and EPA follow and fund an action plan finalized in September 2015. The bill is S. 437 in the Senate and H.R. 1202 in the House.

The plan details efforts to protect drinking water on Oahu from future leaks by making infrastructure improvements to the military's Red Hill Underground Fuel Storage Facility.

"The EPA, the Navy, and the State agree that protecting the aquifer that supplies Oahu's drinking water is essential," said Schatz in a statement. "Our bill firms up that commitment into federal law by making sure the agencies responsible for improving Red Hill have the federal funding they need to implement the actions that are agreed to."

The military and EPA have maintained that the January 2014 leak, which the Navy says was caused by a contractor, never affected the quality of drinking water in the area.

But the spill worried lawmakers and environmental groups like the Sierra Club. The director of that organization's Hawaii chapter said in an interview with a local television station in October that the "status quo" at Red Hill — which includes large tanks in volcanic rock near Pearl Harbor — is no longer acceptable.

"We want to see these tanks be leak-proof and the contamination that's already escaped into the environment to be cleaned up, and that's our basic minimum expectation," Marti Townsend told KHON-

TV.

Lawmakers on Capitol Hill are hoping to pressure the Trump administration.

"These fuel storage tanks sit above aquifers that provide drinking water for up to 30 percent of Oahu's residents," said Rep. Tulsi Gabbard (D-Hawaii) in a statement. "It's essential the Department of Defense commit the necessary resources to eliminate any threat these tanks pose to our most precious resource — water."

Gabbard's father, state Sen. Mike Gabbard (D), is also pushing legislation at the state level targeting Red Hill. S.B. 1259 would set new construction standards for underground fuel storage tanks.

But Navy official Richard Hayes earlier this month urged the state Legislature to hold off on moving forward while the federal agencies follow through with their plans.

"The DOD asks the Legislature to defer this bill to allow [the Hawaii State Department of Health] to continue its work with the EPA and the Navy," Hayes told a hearing chaired by the elder Gabbard, according to his prepared testimony.

"We remain committed to protecting drinking water in Hawaii as an unquestioned, non-negotiable requirement," he said. "The AOC, which describes tasks that the Navy will complete within certain time constraints, is dedicated to meeting that requirement."

There was a slight bump in the road in September when EPA and the state health department rejected a Navy work plan and gave it almost a dozen points to correct. The Navy revised the plan, and it was approved in December.

URANIUM

Federal appeals court upholds Va. mining ban

Manuel Quiñones, E&E News reporter

Published: Tuesday, February 21, 2017

A federal appeals court Friday upheld Virginia's long-standing ban on uranium mining in litigation from a company hoping to develop a deposit there.

In a split decision, the Richmond, Va.-based 4th U.S. Circuit Court of Appeals sided with Senior Judge Jackson Kiser of the U.S. District Court for the Western District of Virginia, who tossed Virginia Uranium Inc.'s complaint in December 2015.

Virginia Uranium, which wants to mine on a site north of Danville, said the state moratorium violated the federal government's powers to regulate radioactive activity under the Atomic Energy Act.

But Kiser said that state leaders cited as defendants were immune from litigation. The judge also said Virginia was the "paramount proprietor" of minerals within its jurisdiction.

Appeals court Judges Albert Diaz and Pamela Harris, both appointed by President Obama, sided with Kiser. "The district court properly dismissed this case," they wrote.

Judge William Traxler, appointed by President Clinton, dissented. He said the federal government stepped in to regulate a dangerous activity.

"While Virginia's apprehension is certainly understandable," Traxler wrote, "in my view Congress has taken away a state's ability to limit mining for this particular reason."

Virginia Attorney General Mark Herring (D) praised the majority decision. "This ruling affirms that the Commonwealth is well within its rights to regulate mining activities," he said, "and I'm glad we were able to yet again successfully defend Virginia's environment and moratorium in court."

Virginia Uranium has yet to appeal the ruling or ask for a rehearing. The company is also pursuing litigation in state court.

TRANSPORTATION

Americans shatter another driving record

Camille von Kaenel, E&E News reporter

Published: Tuesday, February 21, 2017

Americans broke the U.S. driving record last year, the fifth straight record-breaking year, driving 3.218 trillion miles on public roads, according to the Federal Highway Administration.

The driving distance is the equivalent to 17,000 round trips from the Earth to the sun. It's 470 round trips more — 2.8 percent, or 87.5 billion miles — than Americans drove in 2015, agency data show.

The driving increase slowed compared to 2015, which saw a 3.5 percent uptick in driving from 2014.

The increase in driving is behind the steady increase in greenhouse gas emissions from transportation, which took over power generation as the top American carbon emitter.

The federal Energy Information Administration expects U.S. vehicle miles traveled to continue to increase through midcentury. The agency expects gasoline demand from light-duty vehicles to peak in 2018, although that depends on driving behavior, fuel efficiency improvements and sales of electric vehicles. It expects oil demand to rise into the 2040s.

Last year also saw record high auto sales, driven by trucks and SUVs.

AIR POLLUTION

EPA extends comment period on sewage treatment standards

Sean Reilly, E&E News reporter

Published: Tuesday, February 21, 2017

The public will have another month to offer input on U.S. EPA's proposed changes to air pollution standards for a handful of publicly owned sewage treatment plants.

The extension means that the comment period, originally set to expire next Monday, will instead run until March 29, according to a notice set for publication in tomorrow's *Federal Register*.

EPA officials granted the extension at the request of the National Association of Clean Water Agencies, which had sought another four months.

EPA published the proposed changes to the national emissions standards for hazardous air pollutants in late December 2016 as part of a residual risk and technology review. Of some 16,000 publicly owned treatment works nationwide, an estimated six are covered by the standards, according to the draft rule.

The proposal would require all such plants to develop pretreatment programs to limit pollution from industrial users that might also be a significant source of air emissions.

Among other features, the proposed rule also would end an exemption for emissions released as a result of plant malfunctions as well as during startup and shutdown periods.

AIR POLLUTION

Chicago fights with company over manganese levels

Published: Tuesday, February 21, 2017

The dusty mounds of petroleum coke might be gone from Chicago, but while they were investigating the black piles, federal and city officials discovered what could be a more dangerous type of pollution.

Air monitors found alarming levels of manganese around the Calumet River during 2014 and 2015 tests. The heavy metal used in the steelmaking industry has been associated with nervous system damage, learning difficulties, memory loss and anxiety.

Investigators point the finger at S.H. Bell Co., a firm that stockpiles manganese and has repeatedly ignored city regulations.

While the company denies it is responsible for the pollution, city officials will try to get monitors installed before a March 1 deadline that was agreed upon in a legal settlement with federal authorities.

"I'm very uncomfortable with the fact that a company that claims to be complying with environmental laws won't allow equipment on their property to prove it," said U.S. District Court for the Northern District of Illinois Judge Thomas Durkin.

Ohio EPA has cited the company four times since 2008 for allowing manganese dust to blow into surrounding areas (Michael Hawthorne, *Chicago Tribune*, Feb. 21). **— CS**

COLORADO

Pueblo opts for total renewable energy by 2035

Published: Tuesday, February 21, 2017

The city of Pueblo, Colo., committed to become fully powered by renewable energy sources by 2035 following a City Council decision on Monday.

The mining and steel town faces significant energy cost concerns, and citizens pay some of the highest rates in the state.

Aspen, Colo., accomplished a similar goal in 2015. The town operates on 50 percent wind power and 45 percent hydropower, and gets its remaining energy from solar (Colorado Springs *Gazette*, Feb. 20). **— NB**

CALIFORNIA

Bill would phase out fossil fuels by 2045

Published: Tuesday, February 21, 2017

California Senate Leader Kevin de León introduced a bill that would require the state to get 100 percent of its electricity from renewable energy sources by 2045.

A radical increase from the current goal of half renewable sources by 2030, the bill represents a part of the Senate leader's promised opposition to President Trump.

California already has more ambitious clean-energy goals than most states.

De León's bill would require the state to hit the 50 percent renewable mark by 2025.

He entered the bill on Friday, and the legislation will likely serve as a placeholder for more detailed proposals to come.

Clean energy advocates cheered the move.

"Whether it's a direct response to what's happening in Washington, I don't know, but it's certainly an indication that California will continue to lead in this area," said Jim Woodruff, president of the Solar Association, a Sacramento trade group. "It's the sixth-largest economy in the world. I think by putting these goals out, it's making a pretty powerful statement, not only in the U.S., but globally, that if we set out the goals and put the resources to it, those goals can be achieved."

Market forces are moving toward renewable energy. The industries created 100,000 new jobs in California last year alone (Sammy Roth, Palm Springs *Desert Sun*, Feb. 20). **— NB**

GERMANY

Stuttgart bans older diesel cars

Published: Tuesday, February 21, 2017

Older diesel cars will be banned from driving in Stuttgart, Germany, next year in an attempt to reduce pollution levels.

Stuttgart regularly experiences fine particulate levels above safe levels, partly due to its location in a bowl-shaped valley.

The measure was approved today by the Baden-Württemberg state government, which is led by a coalition between the environmentalist Green Party and the Christian Democratic Union.

Only diesel cars that meet the Euro 6 emissions standard for light passenger and commercial vehicles will be able to drive in the city starting in 2018.

Stuttgart is home to German carmakers Mercedes-Benz and Porsche (AP/Tacoma *News Tribune*, Feb. 21). **— SM**

POWER PLAN HUB

Energy discussions live on as EPA rule faces death

Rod Kuckro, E&E News reporter

E&E News: Tuesday, February 21, 2017

If there's an enduring upside to U.S. EPA's doomed Clean Power Plan, it's that it spurred some much-needed discussions about energy on the state level, says Brian Murray, director for economic analysis at Duke University's Nicholas Institute for Environmental Policy Solutions.

"There really was not much going on in terms of coordination and dialogue between energy and environmental regulators at the state level before all this," he said. But since the CPP was proposed in 2014, he said, there has been an "improved understanding of how the power sector works by environmental regulators."

POWER PLAYS

Each Monday, **Power Plays** previews upcoming moves on the way to Clean Power Plan compliance and recaps the week's developments.

Murray hosted a private discussion in Washington last week on the outlook for the energy and environment market in the Southeast in 2017 that featured such regulators and other stakeholders.

"It's fair to say that there's a fairly broad consensus that the Clean Power Plan as we know it is unlikely to see the light of day. No one knows exactly how it's going to be undone. There's a lot of different options that the Trump administration could take," Murray said.

"Right now, EPA is still legally obligated to do something about CO2," he said, suggesting that one likely outcome would be that the agency would limit its support to heat rate improvements inside the fence line of a power plant.

Those in attendance at the Feb. 15 event "drew a distinction between the Clean Power Plan's undoing by the administration" and a strong consensus "that over the long term, carbon will still likely be constrained in some way," Murray said.

"Everything right now is being driven so heavily by two things — steady and continuing economics of natural gas that is pulling more and more generation to it and also keeping prices low, and the other real dynamic in the room is the unexpected uptake in solar that people just didn't see coming," especially the drop in solar costs, Murray said.

In fact, "even without a Clean Power Plan, this increasing pace of technology development in renewables is raising some planning challenges for the states' utility commissions" and utilities, he said.

"The change in administration is not going to lead to a spike in emissions from the [electric utility] sector," Murray said. "I think it's going to change the trajectory at which [emissions] would decline, or maybe it will flatten out instead of decline with less regulatory pressure for the next several years."

While there may be a "disruption" for four to eight years, Murray said, "the long-term game looks still to be towards decarbonization and a significant uptake in renewables."

In case you missed it:

- Cap and trade is still gathering momentum in California as the state's preferred policy to reduce greenhouse gas emissions despite anti-poverty groups' best efforts to stymie it (*Climatewire*, Feb. 17).
- EPA signed off on five environmental waivers for California in the waning days of the Obama administration (*Climatewire*, Feb. 17).
- Electric utilities continue to plan to reduce carbon emissions, even as the Clean Power Plan seems doomed under the Trump administration (*Climatewire*, Feb. 15).
- Alabama's new Republican senator, Luther Strange, brings a strong anti-EPA record with him to Congress (*Climatewire*, Feb. 10).

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Wed., February 22, 2017

READ FULL EDITION

1.EPA:

Staff wary but ready to work with Pruitt amid new email dump

Newly appointed U.S. EPA Administrator Scott Pruitt yesterday tried to extend an olive branch to worried staffers hours before consenting to a judge's order and releasing more than 7,000 pages of emails with energy firms.

TOP STORIES

2.STATES:

Lawmakers use threat of Trump to pitch carbon taxes

3.TECHNOLOGY:

Will the Trump admin support advanced nuclear?

SCIENCE AND TECHNOLOGY

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'Gene catalogs' aim to help crops survive climate change

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Vaporous sky rivers could sharpen wildfire risk

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Researchers study snow to learn about Earth's water
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AN E&E NEWS PUBLICATION
ENERGYWIRE — Wed., February 22, 2017

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Emails hang over Pruitt message to EPA staff

Staff from the Oklahoma attorney general's office began turning over thousands of documents related to U.S. EPA Administrator Scott Pruitt's contacts with oil, gas and coal groups during his tenure as the state's top lawyer. Last night, by court order, the Center for Media and Democracy received a disc with 7,500 pages of emails and public documents that it has been requesting from Pruitt's office for two years.

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From: Johnson, Tanya
Sent: Thur 2/23/2017 4:19:09 PM
Subject: FW: Air & Radiation Law News for February 22, 2017

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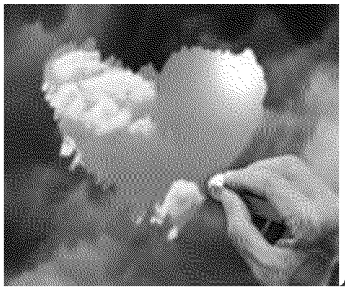

Air & Radiation Law News

for February 22, 2017

Bloomberg BNA Daily Environment Report™

LEADING THE NEWS

EPA

White House Vetting Pruitt Choices for EPA Leadership: Adviser

The White House is collaborating with newly minted EPA administrator Scott Pruitt to vet candidates for the agency's leadership team, but the speed of confirmations is largely up to a Senate already dogged by intransigence, a top White...

NEWS

Air Pollution

India Green Minister Suggests He Doesn't Believe Pollution Data

India's environment minister said pollution is a problem for local authorities and suggested he doesn't believe some data showing that the nation has some of the most dirty air in the world....

Biofuels

Chicken Feces Becoming Vehicle Fuel in Brazilian Farm Project

A Brazilian/Paraguayan firm will soon begin producing automotive fuel from fermented chicken feces....

Climate Change

Russia Won't Pick Fight with Trump on Climate, Lawmaker Says

Russia intends to stick to international climate commitments, though it may not argue with President Donald Trump if he decides to weaken U.S. adherence to the Paris accord, according to a senior Russian lawmaker....

Climate Policy

War Is the Climate Risk That Europe's Leaders Are Talking About

Among the 21st-century threats posed by climate change—rising seas, melting permafrost and superstorms—European leaders are warning of a last-century risk they know all too well: War....

Coal Mining

U.S. Coal Mines Are Opening in a Year of 'Cautious Optimism'

Add Corsa Coal Corp. to the short list of U.S. coal producers doing something that's become a bit of a rarity these days: opening mines....

Energy

Advanced Nuclear Needs Funds, Market Changes, Industry Says

Nuclear companies are calling for increased federal funding and market design changes to support the development of advanced reactor technologies, still away years from commercialization. ...

Energy

China Nuclear Push Seen Stalled by Next-Generation Reactors

China's decision to approve its first new nuclear reactors in two years may need to wait for its success starting up the world's first next-generation units....

Energy

Dominion's Nuclear 'Bailout' a Do-Or-Die Moment for Opponents

Environmental groups opposed to subsidies for nuclear power may be facing a do-or-die moment in Connecticut....

Energy

European's Fossil Fuel Use Continues to Drop, Data Show

Fossil fuel use in the European Union continues its slow but steady decline, providing 73 percent of energy in 2015 compared to 83 percent in 1990, according to data issued by the bloc's statistical agency....

Energy

Tax Break Long Coveted by Utilities Threatened by U.S. Reform

U.S. utility owners from Duke Energy Corp. to NextEra Energy Inc. are warning investors that their earnings may take a hit from tax reforms being floated in Washington....

EPA

Trump's New EPA Head Woos Skeptical Staff with a New Mission

President Donald Trump's newly installed environmental chief Scott Pruitt laid out his vision for reshaping the way the federal government safeguards air and water, as he tried to convince skeptical federal employees that...

General Policy

French Companies Could Face Big Fines for Overseas Environment Damage

French multinationals that fail to plan for environmental and other accidents abroad face potentially huge fines under a bill inspired by a 2013 building collapse that killed 1,000 Bangladesh garment factory workers. ...

International Climate

How EU Can Limit Coal's Life for the Cost of a Pint of Beer

Driving most of Europe's dirtiest power plants into retirement is probably cheaper than you think....

International Climate

Quebec Follows Ontario in Foray into Booming Green Bond Market

The Province of Quebec is poised to become the second Canadian region to sell bonds that finance environment-friendly projects....

Renewable Energy

Big Batteries Coming of Age Prompt Bankers to Place Bets

The idea that giant batteries may someday revolutionize electrical grids has long enthralled clean-power advocates and environmentalists. Now it's attracting bankers with the money to make it happen....

Renewable Energy

India's New Auction Lights Way to Modi Green Target, Dims Coal

Record low Indian solar tariffs tendered at a groundbreaking auction may catalyze green investments and help tip the balance of new power to renewables and away from fossil fuels....

Trade

U.S. Blocks India's Request for WTO Renewables Investigation

The U.S. blocked India's initial request for a World Trade Organization inquiry into a series of U.S. subsidies and requirements in the renewable energy sector. ...

Vehicle Fuels

Ethanol Industry Sees Growth Amid Trump's Regulatory Overhaul

American ethanol producers see an opportunity to tap new sources of demand as President Donald Trump focuses on reducing federal regulations....

Vehicle Fuels

Shell Takes Small Step to Fuel Toyota's Giant Hydrogen Leap

Royal Dutch Shell Plc will build seven fueling stations for hydrogen cars in California through a partnership with Toyota Motor Corp., laying down their latest bet on the demise of the internal-combustion engine....

Vehicle Fuels

Trump Reaffirms Support for Ethanol Amid Its Fight with Icahn

President Donald Trump reiterated his support for American ethanol in a letter Feb. 21, wading into the industry's battle with independent oil refiners and billionaire Carl Icahn over whether parts of a federal mandate should be changed....

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Latest News

EPA Administrator Scott Pruitt Details Priorities, Principles

EPA Administrator Scott Pruitt, sworn in Feb. 17 shortly after his Senate confirmation, has begun to detail some of his priorities and principles for his time in office.

Facing Trump EPA, 'Integrity Project' Makes Political Messaging Top Priority

Facing President Donald Trump's deregulatory push at EPA, the Environmental Integrity Project (EIP) -- a group best known for its use of citizen suits and other measures to strictly enforce environmental laws -- is shifting its top priority to a broad-based communications effort to challenge longstanding anti-EPA messaging from industry and the GOP.

Ozone Implementation Plan Shows Major Divisions Among Stakeholders

EPA's proposal for how to implement its latest ozone ambient air standard is highlighting major divisions among stakeholders, with several states and industry groups faulting the agency's approach to weighing international emissions in states' compliance plans and environmentalists attacking parts of the rule as too weak to reduce ozone.

EPA Preserves Obama-Era Website But Climate Change Data Doubts Remain

EPA has posted a link to an archived version of its website from Jan. 19, the day before President Donald Trump was inaugurated and the agency began removing climate change-related information from its official site, saying the move comes in response to concerns that it would permanently scrub such data.

Daily Feed

Pruitt's first speech gets a mixed reaction

“It's good if it means he wants to listen to EPA employees before making any wholesale changes,” one EPA source says.

Our most read: Pruitt enters, McCarthy exits, McCabe returns to Region 2

Less than one week into the dawning of a new EPA era.

House committee leaders seek delay in mining financial rule

The lawmakers say a much longer comment period is needed in light of the considerable impact EPA's rule would have on the mining industry.

Texas sues EPA over SO2 nonattainment designations

It is unclear whether the Pruitt EPA will defend the Obama-era SO2 designation rule.

Ewire: A daily news roundup

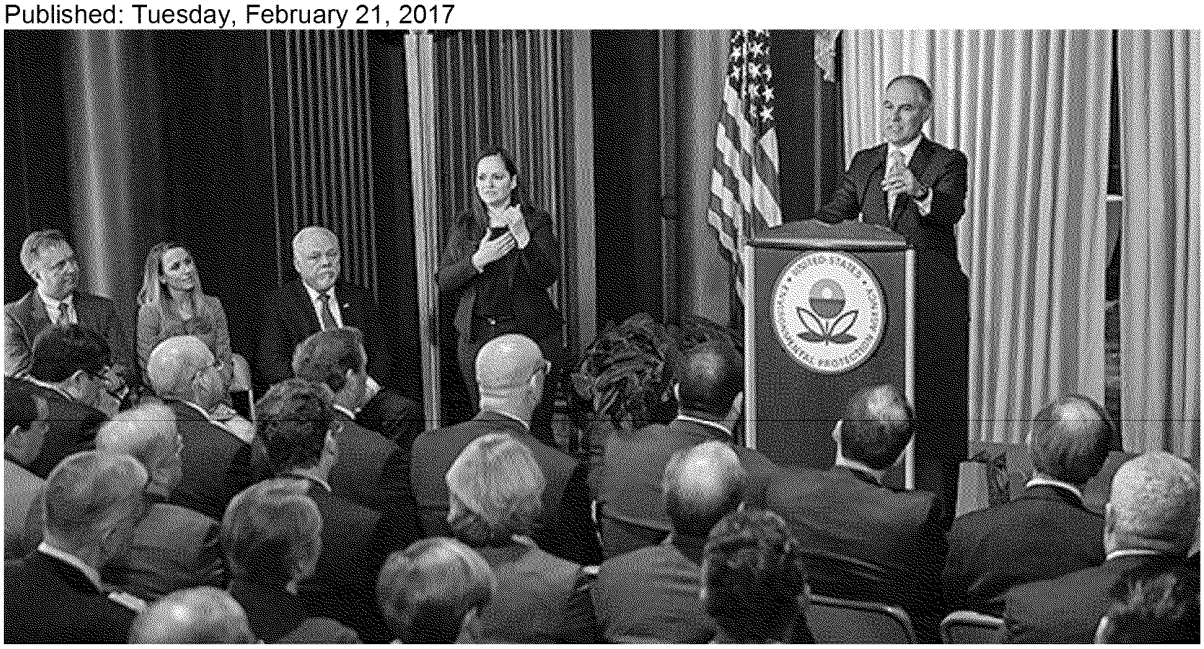
Details emerge on Trump's executive actions directing EPA to reexamine the Clean Power Plan and its Clean Water Act jurisdiction rule. Plus, Scott Pruitt's agenda and Gina McCarthy's accomplishments.

EPA

Pruitt's pitch to staff: Give me a chance

Robin Bravender and Kevin Bogardus, E&E News reporters

Published: Tuesday, February 21, 2017



U.S. EPA Administrator Scott Pruitt addressed agency staff for the first time today. Photo by Susan Walsh, courtesy of AP images.

Scott Pruitt talked up his listening skills and desire for "civility" as he addressed a skeptical U.S. EPA staff today.

In his first speech to the agency since his swearing in as EPA administrator Friday, Pruitt stressed his respect for the agency's career staff. He hinted broadly at big changes that are expected to come to the agency under the Trump administration, although he declined to offer specific plans about efforts to repeal Obama administration environmental rules.

Many career EPA staffers have been wary about Pruitt's arrival after the former Oklahoma attorney general battled the agency's regulations in court and vowed major overhauls at the agency.

CONTINUING COVERAGE

E&E News' ongoing coverage of the new administration and the changes taking place on Capitol Hill. Click here to view the continuing coverage.

But Pruitt today cautioned those listening against jumping to conclusions.

"You don't know me very well," he told staff and press gathered in the Rachel Carson Green Room at EPA headquarters in Washington.

"In fact, you don't know me hardly at all other than what you've read in the newspaper and seen on the news," he said. "I might suggest to you ... I look forward to sharing the rest of the story with you as we spend time together. This is a beginning. It's a beginning for us to spend time and discuss certain principles by which I think this agency should conduct itself."

Pruitt steered clear of specifics about the Trump administration's energy policies in his 11-minute speech. He didn't, for example, delve into plans for withdrawing the Obama administration's Waters of the U.S. rule and Clean Power Plan, which he and President Trump have said they plan to do (*Greenwire*, Feb. 20).

Instead, Pruitt's greeting today appeared to be an attempt to calm the waters at the agency where many staffers are anxious.

"Civility is something I believe in very much. We ought to be able to get together and wrestle through some very difficult issues and do so in a civil manner," he told employees.

He added, "I seek to be a good listener. Those of you that have been here for quite some time, whether it's in the air area or water or whatever area that you may be in, I look forward to spending time with you, not just to address certain issues but really spend time and dig down deep with respect to how we're going to do business in the future and get to know you personally and get to know how I can be a resource to you as you do your work. ... You can't lead unless you listen."

The new administrator hinted broadly at some of the reforms he'd like to see at EPA. He said the agency has a responsibility to "avoid abuses that occur sometimes" in rulemaking, and he stressed the importance of following the "rule of law" and in partnering with states through federalism. "I seek to ensure that we engender the trust of those at the state level," he said.

Catherine McCabe, who served as EPA's acting boss ahead of Pruitt's confirmation, offered the new administrator gifts, including an EPA lapel pin and an agency baseball cap.

Pruitt, the former co-owner of Oklahoma City's minor league baseball team, said he'd wear the EPA hat with pride to Washington Nationals games.

"I am excited about being in a city that actually has a major league baseball team," he said.

Some EPA employees attended today's event in person. Others tuned in online or listened by phone.

As Pruitt settles into his job, EPA staff and environmentalists will be watching closely to see how he leads the agency.

Agency employees were "hoping not to hear 'Death and Destruction for EPA,'" said John O'Grady, an EPA union leader, ahead of the speech. "Probably what we will hear is a lot of very smooth political talk, but the proof will be in the executive orders that President Trump issues."

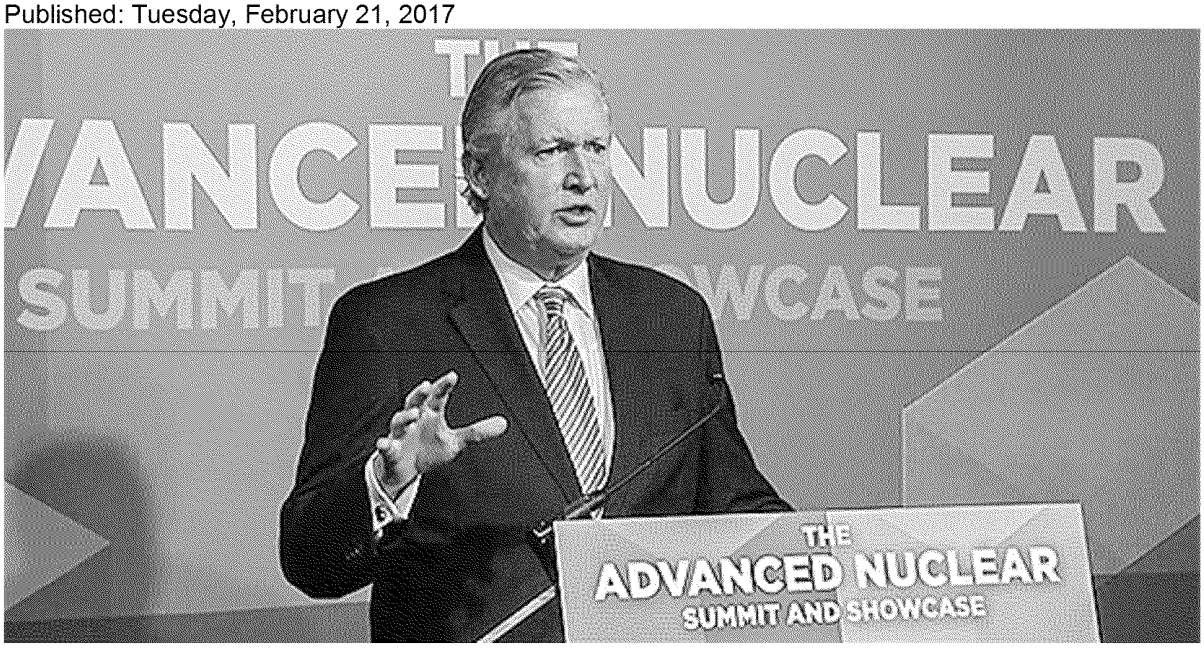
The Trump administration is widely expected to issue executive orders directing the rollback of some of President Obama's signature environmental rules, including the Clean Power Plan and WOTUS. Those orders are expected to come as early as this week.

DOE

Industry fears budget fight will chill nuclear, grid work

Hannah Northey, E&E News reporter

Published: Tuesday, February 21, 2017



Exelon Corp. CEO Chris Crane spoke today during a Third Way event on nuclear energy. Photo courtesy of Third Way Advanced Nuclear Summit.

A growing chorus of industry executives is warning that squeezing the Department of Energy's finances could stall a push to modernize the nation's sprawling electric grid and nuclear fleet.

The Trump administration has made repeated pledges to scale back federal agencies, sending chills through the government workforce and sparking rumors about DOE renewable energy, efficiency and nuclear physics and scientific computing programs being on the chopping block.

Industry heads are pushing back.

Acknowledging the White House focus on federal spending, Chris Crane, president and CEO of Exelon Corp., told attendees at a nuclear summit in Washington today that DOE labs are a linchpin of ongoing nuclear research and development.

"One of my recommendations ... is understand where the money goes," Crane said at Third Way's Advanced Nuclear Summit. "The majority of the money at the DOE goes to the labs, and the labs are critical for us to continue to be competitive going forward."

DOE in recent years has provided hundreds of millions of dollars in partnerships to support nuclear research and development and billion-dollar loan guarantees, and work on reactor designs and waste management is ongoing at the Idaho National Laboratory. Sponsoring the Third Way event were the Argonne, Oak Ridge and Idaho national laboratories.

On a panel following Crane's speech, John Hopkins, president and CEO of NuScale Power, said he has yet to hear anyone within the new administration say anything unsupportive of nuclear power and said a number of holdover career staffers at DOE have a very good understanding of the nuclear sector's needs.

But Hopkins quickly followed up by emphasizing the importance of federal support, including loan guarantees and public-private partnerships to streamline permitting for small modular reactors.

Similar concerns were sounded last week on Capitol Hill about grid work.

Union leaders, transmission developers and the head of the Electric Power Research Institute told members of the House Energy and Commerce Subcommittee on Energy that DOE and its 17 national labs are critical for developing and commercializing new grid technologies.

At least one witness expressed fears that budget cuts could halt that work.

"I'm certainly concerned our current administration will look at DOE and look at it as an opportunity to reduce funding for the good R&D that they do," said Steve Hauser, CEO of the GridWise Alliance. "I think stability is very important for an R&D program."

Michael Howard, EPRI's president and CEO, said ongoing material science and basic research in the national labs is a critical platform for technology that's later taken over by private industry, and funding for those programs is already low.

The federal government, he said, should continue supporting costly demonstrations to make sure the technology works.

"It's not like we can shut down the grid ... and start it back up with it all modernized," Howard said. "We need to know for sure these technologies will work."

Perry's test

The industry's uncertainty is playing into intense speculation about debates surrounding the fiscal 2018 budget.

While expectations are high that Republicans and the Trump administration will push for cuts to some DOE programs, it's unclear how deep the cuts will be, what Congress will pass and whether former Texas Gov. Rick Perry (R), President Trump's nominee to lead the agency, will push back.

Also in the mix is the administration's reliance on conservative think tanks like the Heritage Foundation,

which has called for shuttering the DOE offices and energy innovation hubs that work on grid modernization, as well as the Office of Nuclear Energy.

Perry discussed the benefit of DOE programs during his confirmation hearing before the Senate Energy and Natural Resources Committee, calling the national labs a "crown jewel" and vowing to defend the agency's work if confirmed.

The budget represents the first "real test" of whether Trump defers to his Cabinet appointees on funding or listens to White House officials who have called for deep cuts, said Jeff Navin, co-founder and partner at Boundary Stone Partners and a deputy chief of staff at DOE during the Obama administration.

"If the president is going to defer to the people he appointed to his Cabinet, then Perry wins, and we'll see smaller cuts to specific programs," Navin said. "If the Cabinet is going to take orders from the right wing ideologues in the White House, then we'll see brutal, massive cuts in the proposal."

Perry, for example, could be up against former Rep. Mick Mulvaney (R-S.C.), the newly confirmed head of the Office of Management and Budget.

As a member of the House, Mulvaney in 2012 offered up an amendment to an energy and water bill that would have slashed DOE funding by $3.1 billion (*Greenwire*, Feb. 3).

But Navin said deep cuts could face an uphill slog in Congress.

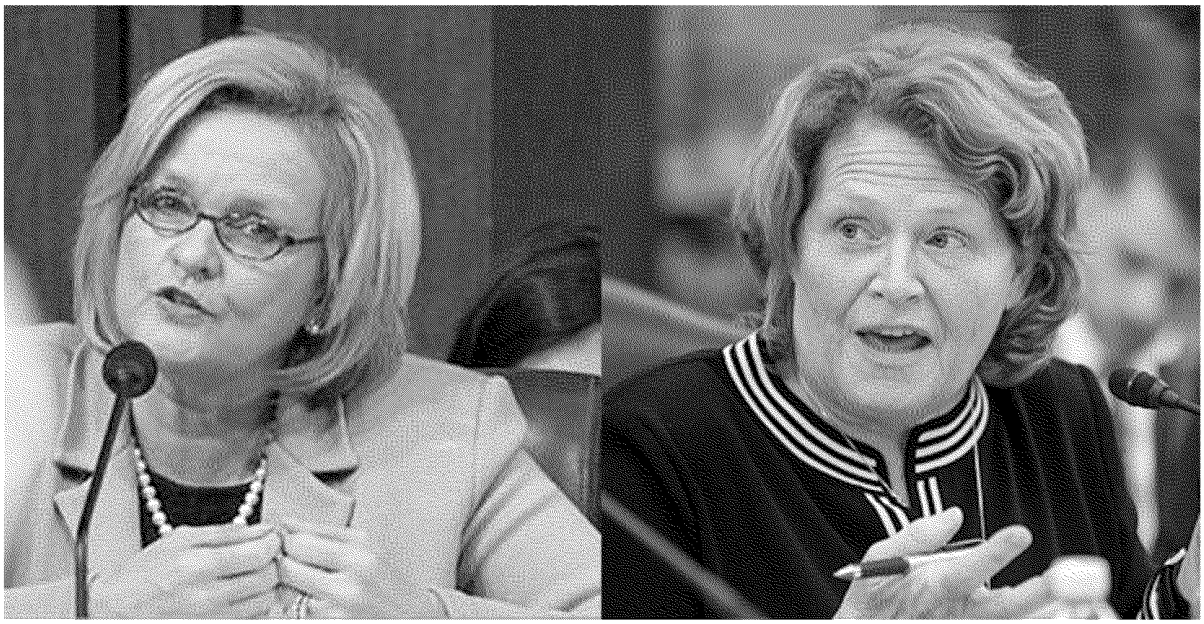
"There is very little appetite in the Senate for the kinds of deep cuts that Mulvaney unsuccessfully pushed in a very conservative House and that Heritage is pushing in its blueprint," he said. "It will be an important symbolic fight, and it will be the first public test as to how much freedom Perry will be given in managing his agency."

REGULATIONS

As Senate Dems cross aisle, a search for compromise

Arianna Skibell, E&E News reporter

Published: Tuesday, February 21, 2017



(Left to right) Democratic Sens. Claire McCaskill of Missouri and Heidi Heitkamp of North Dakota have been involved in the regulatory reform discussion. Photos by U.S. Senate/Wikipedia (McCaskill), Lance Cheung/U.S. Department of Agriculture (Heitkamp).

A few Senate Democrats are reaching across the aisle and looking for compromise on reforming the way federal agencies issue and review regulations.

North Dakota Sen. Heidi Heitkamp, a moderate Democrat and reform advocate, acknowledged that her caucus is deeply divided on the issue but said she's working with Republicans on a deal. Regulatory reform is a GOP priority.

"We're doing a whole discussion on the role of benefit-cost or cost-benefit analysis in rulemaking, so I think you'll see some additional things rolling out if we're successful in finalizing a compromise," she told E&E News.

Heitkamp and Sen. James Lankford (R-Okla.), a regulatory reform leader in his caucus, are working on a bipartisan bill that could debut next month, sources say.

The duo, ranking member and chairman of the Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management, have long partnered on efforts to streamline the system.

In the past session of Congress, they proposed the "Smarter Regulations Through Advance Planning and Review Act," S. 1817, which would require agencies to write rules in a way that facilitates better retroactive review.

Another measure that is likely to see bipartisan action this year is the "Regulatory Accountability Act," which has passed the House six times with as many as 19 Democratic votes.

It would require federal agencies to identify the objective of a proposed rule and choose the lowest-cost alternative, among other provisions (*E&E Daily*, Jan. 12).

"We're working on it," Sen. Claire McCaskill (D-Mo.) said of the measure and its prospects in her chamber.

Sen. Rob Portman (R-Ohio), who has backed similar legislation, said he was hopeful it could get play this year, though he would like to see changes to the House bundle.

"I'd like to see some tweaks to it," he said. "They put it in a larger package, H.R. 5, and we'd like to pull out the 'Regulatory Accountability Act' and hopefully get a separate vote on that."

He added: "The 'Regulatory Accountability Act' has always been bipartisan."

Sen. Jim Inhofe (R-Okla.), however, said Democratic efforts to reform rulemaking are "merely for campaign purposes."

"All of them who are talking about that are ones who are endangered species for 2018," he said. "It's primarily the individuals who are trying to modify their position because they're from states that were carried by Trump."

While Heitkamp and McCaskill are up for re-election in 2018, supporting regulatory reform measures has not always guaranteed re-election for Democrats in red states.

Two-term Democratic Sen. Mark Pryor of Arkansas lost in 2014 to freshman Rep. Tom Cotton, despite Pryor championing the "RAA" with Portman in 2011.

Since President Trump released his "2-for-1" executive order — which requires agencies to nix two rules for every new one — there has been increased discussion on Capitol Hill about methods for reviewing existing standards (*E&E Daily*, Feb. 7).

In addition to prompting dialogue, Trump's order bolstered Republicans who would see agencies take costs and economic impacts into greater consideration when issuing rules.

"There are costs and benefits, and they're supposed to look at costs as well as benefits," said Environment and Public Works Chairman John Barrasso (R-Wyo.).

"It's very important that we have clean air, clean water, clean land, that we protect our environment and do it in ways that allow for a strong and healthy economy," he said. "We can have both."

While there is bipartisan agreement that agencies could do a better job reviewing and possibly tossing old rules that are obsolete or ineffective, requiring agencies to find the least costly alternative is likely a deal breaker for many Democrats who see GOP attempts to reform the system as a guise for stagnation and obstruction.

"I think if it's really regulatory reform that makes unnecessary obsolete regulations come into conformance with modern days, we're all for that," said Sen. Sheldon Whitehouse (D-R.I.).

"But every time they talk this way," he said, "you look behind the curtain and it's Wall Street and the big polluters."

WHITE HOUSE

Top energy aides get to work

Robin Bravender, E&E News reporter

Published: Tuesday, February 21, 2017

Mike Catanzaro and George David Banks will be helping to shape President Trump's domestic and international energy policies. Photo by Tom Williams (Catanzaro), courtesy of LinkedIn (Banks).

Two top energy aides have started work at the White House as the Trump administration is expected to double down on its efforts to repeal Obama-era environmental policies.

Mike Catanzaro, a former lobbyist at CGCN Group, started work today as special assistant to the president for energy and environmental policy in the White House National Economic Council, according to White House spokeswoman Kelly Love.

George David Banks, formerly executive vice president at the nonprofit policy group American Council for Capital Formation, started Feb. 16 as special assistant to the president and senior director for international energy and environment, Love said.

CONTINUING COVERAGE

POWER SHIFT

E&E News' ongoing coverage of the new administration and the changes taking place on Capitol Hill. Click here to view the continuing coverage.

The new hires in the White House — who have both worked on energy issues on Capitol Hill and the executive branch — are expected to have major roles in guiding the Trump administration's energy policy (*Greenwire*, Feb. 8).

Scott Segal, an energy lobbyist at Bracewell LLP, called it a "welcome relief" to have staffers with significant experience on energy policy starting work in the White House.

"In a general sense, the White House, I believe, would have a greater range of motion if they've got some dedicated staff to the particular issues," Segal said. "These guys in particular are very good."

Catanzaro and Banks are starting in their new roles as leaders for energy and environmental agencies are getting into place and as the White House is expected to soon roll out executive orders aimed at rolling back Obama administration environmental regulations.

U.S. EPA Administrator Scott Pruitt was sworn in Friday, and Interior secretary nominee Ryan Zinke and Energy secretary nominee Rick Perry are expected to win Senate confirmation in the coming weeks.

Observers expect to see executive orders on energy policy come as early as this week, now that key members of Trump's energy team are in place.

President Trump could start signing executive orders as early as today.

The Washington Post reported that two directives will likely be coming soon: one that would direct EPA to begin rewriting the Clean Power Plan and another to lift the Obama administration's moratorium on federal coal leasing. The second order would instruct EPA and the Army Corps of Engineers to redo the so-called Waters of the U.S. (WOTUS) rule.

Although expected, such moves would be fiercely opposed by environmentalists, Democrats and former Obama administration officials who spent years crafting those regulations.

Speculation abounds over the exact content and timing of the looming orders, but they are expected to largely reflect Trump's energy promises on the campaign trail.

Pruitt told *The Wall Street Journal* that he expects to soon withdraw WOTUS and the Clean Power Plan, which was aimed at curbing carbon emissions from power plants (*Greenwire*, Feb. 20).

"There has been much anticipation of what direction the White House might give after the confirmation of Scott Pruitt," Segal said.

During the campaign, Trump "sounded some particular themes: energy independence, the relationship to security, regulatory reform, the relationship between affordable energy and manufacturing jobs," Segal said. "We are anticipating executive direction" on some of those themes, he added.

LAW

Former EPA staffers expand firm, open Okla. office

Kevin Bogardus, E&E News reporter

Published: Tuesday, February 21, 2017

Earth & Water Group is expanding its business.

The environmental law and consulting firm is opening a new office in Oklahoma City. In addition, Mary

Ellen Ternes, once a shareholder with Crowe & Dunlevy, has joined the management team as a partner of Earth & Water Law LLC.

Mary Ellen Ternes. Photo courtesy of Earth & Water Group.

Ternes is a prominent environmental lawyer and serves on several bodies, including the Vanderbilt University external advisory committee to the Department of Chemical and Biomolecular Engineering and as secretary for the American College of Environmental Lawyers. She earned her law degree from the University of Arkansas, Little Rock, and her bachelor's degree in chemical engineering from Vanderbilt University.

Earth & Water is staffed by several former U.S. EPA officials that provide legal and strategic counseling to clients on environmental issues. The firm was founded last year (*Greenwire*, Jan. 19).

Brent Fewell, Earth & Water's chairman and a former deputy EPA water chief during the George W. Bush administration, said Ternes' hire would be a great addition to the firm.

"We are thrilled to have Mary Ellen join our team to continue the growth of Earth & Water Law's environmental and corporate practice areas, as well as having the opportunity through her to expand our practice into the Southwest," Fewell said.

Ternes said she is happy to come aboard.

"I am excited to be joining the Earth & Water Group now, at the beginning of the new Trump administration, where there is promise of regulatory relief if we navigate carefully," Ternes said. "Earth & Water is unique in bringing together the most critical skill sets in science, engineering, cybertechnology, law and finance for responding to the upcoming needs of clients most efficiently in these complicated times."

BIOFUELS

Trump regulatory reform may boost ethanol — industry leader

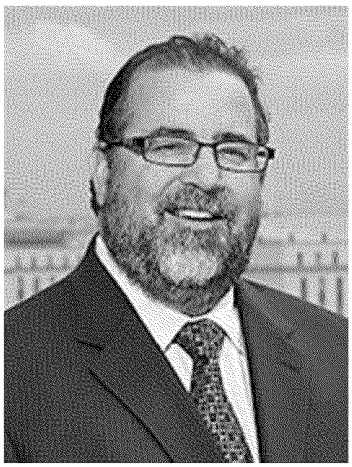
Marc Heller, E&E News reporter

Published: Tuesday, February 21, 2017

President Trump's pledge to trim federal regulations may help ethanol advocates push for fuel containing more of the alternative biofuel, a major industry booster said today.

Bob Dinneen, president and CEO of the Renewable Fuels Association, said a less cumbersome regulatory framework could speed the introduction of higher-ethanol fuels around the country.

"All of these regulatory barriers are in the weeds," Dinneen said in a speech to be delivered at the association's annual conference in San Diego today, which the RFA distributed to reporters. "But they can all be eliminated through rational regulatory reform efforts, and each will have an immediate impact in stimulating additional ethanol demand."



Bob Dinneen. Photo courtesy of the Renewable Fuels Association.

Dinneen said he continues to believe Trump supports ethanol as part of a comprehensive energy policy and that new U.S. EPA Administrator Scott Pruitt will implement the federal renewable fuel standard as Congress intended in writing the RFS law in 2005 and updating it two years later.

Specifically, Dinneen said the government could simplify the petition process for new certification fuels and eliminate "unreasonable" criteria for approval. During the Obama administration, he said, EPA placed "incredibly rigid and unrealistic requirements" on the certification process, discouraging automakers from submitting fuel certification petitions.

In addition, he said, the government requires too much testing of higher-ethanol fuels ahead of approving them for wider sales. E15 fuel, which is 15 percent ethanol, underwent testing for emissions, driveability, materials comparability, soil contamination and health effects.

"Is all that testing really necessary?" Dinneen said, adding that fuels such as E25 and E30 could be broadly commercialized if the registration process were simplified.

"The bottom line is EPA should be fair and equitable in how it provides incentives for alternative fuel vehicle production," Dinneen said.

Ethanol critics say the higher blends risk damage to small engines and some vehicles, and a handful of lawmakers in Congress have vowed to try to scale back the RFS.

The new administration hasn't weighed in on specifics. Trump spoke favorably of ethanol during the

campaign, but Pruitt was critical of the RFS as attorney general in Oklahoma, and in his confirmation hearing, he stopped short of saying he supports the RFS as written.

DOE

Lawmakers ask Trump to put secretary back on security panel

Hannah Northey, E&E News reporter

Published: Tuesday, February 21, 2017

President Trump's removal of the Energy secretary from a national security panel has sparked pushback on Capitol Hill.

Rep. Frank Pallone (D-N.J.), ranking member of the House Energy and Commerce Committee, and Rep. Bobby Rush (D-Ill.) urged Trump in a letter today to put the Department of Energy chief back on the National Security Council's Principals Committee.

The panel serves as a Cabinet-level senior interagency forum on policies affecting national security.

"Recent press reports have indicated that staff may have failed to fully brief you on the full meaning of the changes put in place by the Jan. 28 memorandum," the lawmakers wrote. "Specifically, we believe that sidelining the Secretary of Energy from the highest level of our nation's national security dialogue is extremely ill-advised."

Trump signed a memo last month that elevated his chief strategist, Steve Bannon, as a regular NSC member but removed the secretary of Energy. The rest of the panel comprises the chairman of the Joint Chiefs of Staff and the director of national intelligence by invitation (*Greenwire*, Feb. 1).

Under the Trump memo, the DOE secretary is listed as an NSC "regular attendee" but is no longer a member of the Principals Committee. The memo tasked the national security adviser and homeland security adviser with chairing the Principals Committee's meetings and makes clear that those advisers can invite Cabinet-level heads of executive departments and agencies like DOE.

In comparison, a 2009 memo that organized the council under the Obama administration included the Energy secretary as a "regular member" of the Principals Committee. Trump's order also removed DOE officials from an NSC Deputies Committee.

"The absence of this perspective on the NSC Principals Committee could have dire consequences for our nation's safety and security," Pallone and Rush wrote.

Sen. Maria Cantwell (D-Wash.), the Energy and Natural Resources Committee's ranking member, earlier this month questioned why a secretary tasked with overseeing the nation's nuclear stockpile and massive facilities housing far-reaching technical data, science and expertise would be removed.

Republicans have also voiced concern about the NSC's reorganization.

During a recent interview, Senate Armed Services Chairman John McCain (R-Ariz.), who has called Trump's reshuffling of the council a "radical departure," said Congress can weigh in on the size but not the makeup of the council.

"I can't take action," McCain said. "We passed legislation that reduced the size ... but I'm not sure

Congress can tell the president specifically who he wants on his national security team."

DEFENSE

Hawaii spill sparks bid to upgrade Navy fuel storage

Sam Mintz, E&E News reporter

Published: Tuesday, February 21, 2017

The Hawaii congressional delegation is pushing the Navy and U.S. EPA to follow through on upgrading a critical military fuel storage facility on Oahu that was the site of a 27,000-gallon jet fuel leak in 2014.

Legislation introduced last week by a pair of Hawaiian Democrats, Sen. Brian Schatz and Rep. Colleen Hanabusa, would ensure that the Navy, the Defense Logistics Agency and EPA follow and fund an action plan finalized in September 2015. The bill is S. 437 in the Senate and H.R. 1202 in the House.

The plan details efforts to protect drinking water on Oahu from future leaks by making infrastructure improvements to the military's Red Hill Underground Fuel Storage Facility.

"The EPA, the Navy, and the State agree that protecting the aquifer that supplies Oahu's drinking water is essential," said Schatz in a statement. "Our bill firms up that commitment into federal law by making sure the agencies responsible for improving Red Hill have the federal funding they need to implement the actions that are agreed to."

The military and EPA have maintained that the January 2014 leak, which the Navy says was caused by a contractor, never affected the quality of drinking water in the area.

But the spill worried lawmakers and environmental groups like the Sierra Club. The director of that organization's Hawaii chapter said in an interview with a local television station in October that the "status quo" at Red Hill — which includes large tanks in volcanic rock near Pearl Harbor — is no longer acceptable.

"We want to see these tanks be leak-proof and the contamination that's already escaped into the environment to be cleaned up, and that's our basic minimum expectation," Marti Townsend told KHON-TV.

Lawmakers on Capitol Hill are hoping to pressure the Trump administration.

"These fuel storage tanks sit above aquifers that provide drinking water for up to 30 percent of Oahu's residents," said Rep. Tulsi Gabbard (D-Hawaii) in a statement. "It's essential the Department of Defense commit the necessary resources to eliminate any threat these tanks pose to our most precious resource — water."

Gabbard's father, state Sen. Mike Gabbard (D), is also pushing legislation at the state level targeting Red Hill. S.B. 1259 would set new construction standards for underground fuel storage tanks.

But Navy official Richard Hayes earlier this month urged the state Legislature to hold off on moving forward while the federal agencies follow through with their plans.

"The DOD asks the Legislature to defer this bill to allow [the Hawaii State Department of Health] to continue its work with the EPA and the Navy," Hayes told a hearing chaired by the elder Gabbard,

according to his prepared testimony.

"We remain committed to protecting drinking water in Hawaii as an unquestioned, non-negotiable requirement," he said. "The AOC, which describes tasks that the Navy will complete within certain time constraints, is dedicated to meeting that requirement."

There was a slight bump in the road in September when EPA and the state health department rejected a Navy work plan and gave it almost a dozen points to correct. The Navy revised the plan, and it was approved in December.

URANIUM

Federal appeals court upholds Va. mining ban

Manuel Quiñones, E&E News reporter

Published: Tuesday, February 21, 2017

A federal appeals court Friday upheld Virginia's long-standing ban on uranium mining in litigation from a company hoping to develop a deposit there.

In a split decision, the Richmond, Va.-based 4th U.S. Circuit Court of Appeals sided with Senior Judge Jackson Kiser of the U.S. District Court for the Western District of Virginia, who tossed Virginia Uranium Inc.'s complaint in December 2015.

Virginia Uranium, which wants to mine on a site north of Danville, said the state moratorium violated the federal government's powers to regulate radioactive activity under the Atomic Energy Act.

But Kiser said that state leaders cited as defendants were immune from litigation. The judge also said Virginia was the "paramount proprietor" of minerals within its jurisdiction.

Appeals court Judges Albert Diaz and Pamela Harris, both appointed by President Obama, sided with Kiser. "The district court properly dismissed this case," they wrote.

Judge William Traxler, appointed by President Clinton, dissented. He said the federal government stepped in to regulate a dangerous activity.

"While Virginia's apprehension is certainly understandable," Traxler wrote, "in my view Congress has taken away a state's ability to limit mining for this particular reason."

Virginia Attorney General Mark Herring (D) praised the majority decision. "This ruling affirms that the Commonwealth is well within its rights to regulate mining activities," he said, "and I'm glad we were able to yet again successfully defend Virginia's environment and moratorium in court."

Virginia Uranium has yet to appeal the ruling or ask for a rehearing. The company is also pursuing litigation in state court.

TRANSPORTATION

Americans shatter another driving record

Camille von Kaenel, E&E News reporter

Published: Tuesday, February 21, 2017

Americans broke the U.S. driving record last year, the fifth straight record-breaking year, driving 3.218 trillion miles on public roads, according to the Federal Highway Administration.

The driving distance is the equivalent to 17,000 round trips from the Earth to the sun. It's 470 round trips more — 2.8 percent, or 87.5 billion miles — than Americans drove in 2015, agency data show.

The driving increase slowed compared to 2015, which saw a 3.5 percent uptick in driving from 2014.

The increase in driving is behind the steady increase in greenhouse gas emissions from transportation, which took over power generation as the top American carbon emitter.

The federal Energy Information Administration expects U.S. vehicle miles traveled to continue to increase through midcentury. The agency expects gasoline demand from light-duty vehicles to peak in 2018, although that depends on driving behavior, fuel efficiency improvements and sales of electric vehicles. It expects oil demand to rise into the 2040s.

Last year also saw record high auto sales, driven by trucks and SUVs.

AIR POLLUTION

EPA extends comment period on sewage treatment standards

Sean Reilly, E&E News reporter

Published: Tuesday, February 21, 2017

The public will have another month to offer input on U.S. EPA's proposed changes to air pollution standards for a handful of publicly owned sewage treatment plants.

The extension means that the comment period, originally set to expire next Monday, will instead run until March 29, according to a notice set for publication in tomorrow's *Federal Register*.

EPA officials granted the extension at the request of the National Association of Clean Water Agencies, which had sought another four months.

EPA published the proposed changes to the national emissions standards for hazardous air pollutants in late December 2016 as part of a residual risk and technology review. Of some 16,000 publicly owned treatment works nationwide, an estimated six are covered by the standards, according to the draft rule.

The proposal would require all such plants to develop pretreatment programs to limit pollution from industrial users that might also be a significant source of air emissions.

Among other features, the proposed rule also would end an exemption for emissions released as a result of plant malfunctions as well as during startup and shutdown periods.

AIR POLLUTION

Chicago fights with company over manganese levels

Published: Tuesday, February 21, 2017

The dusty mounds of petroleum coke might be gone from Chicago, but while they were investigating the black piles, federal and city officials discovered what could be a more dangerous type of pollution.

Air monitors found alarming levels of manganese around the Calumet River during 2014 and 2015 tests. The heavy metal used in the steelmaking industry has been associated with nervous system damage, learning difficulties, memory loss and anxiety.

Investigators point the finger at S.H. Bell Co., a firm that stockpiles manganese and has repeatedly ignored city regulations.

While the company denies it is responsible for the pollution, city officials will try to get monitors installed before a March 1 deadline that was agreed upon in a legal settlement with federal authorities.

"I'm very uncomfortable with the fact that a company that claims to be complying with environmental laws won't allow equipment on their property to prove it," said U.S. District Court for the Northern District of Illinois Judge Thomas Durkin.

Ohio EPA has cited the company four times since 2008 for allowing manganese dust to blow into surrounding areas (Michael Hawthorne, *Chicago Tribune*, Feb. 21). **— CS**

COLORADO

Pueblo opts for total renewable energy by 2035

Published: Tuesday, February 21, 2017

The city of Pueblo, Colo., committed to become fully powered by renewable energy sources by 2035 following a City Council decision on Monday.

The mining and steel town faces significant energy cost concerns, and citizens pay some of the highest rates in the state.

Aspen, Colo., accomplished a similar goal in 2015. The town operates on 50 percent wind power and 45 percent hydropower, and gets its remaining energy from solar (Colorado Springs *Gazette*, Feb. 20). **— NB**

CALIFORNIA

Bill would phase out fossil fuels by 2045

Published: Tuesday, February 21, 2017

California Senate Leader Kevin de León introduced a bill that would require the state to get 100 percent of its electricity from renewable energy sources by 2045.

A radical increase from the current goal of half renewable sources by 2030, the bill represents a part of

the Senate leader's promised opposition to President Trump.

California already has more ambitious clean-energy goals than most states.

De León's bill would require the state to hit the 50 percent renewable mark by 2025.

He entered the bill on Friday, and the legislation will likely serve as a placeholder for more detailed proposals to come.

Clean energy advocates cheered the move.

"Whether it's a direct response to what's happening in Washington, I don't know, but it's certainly an indication that California will continue to lead in this area," said Jim Woodruff, president of the Solar Association, a Sacramento trade group. "It's the sixth-largest economy in the world. I think by putting these goals out, it's making a pretty powerful statement, not only in the U.S., but globally, that if we set out the goals and put the resources to it, those goals can be achieved."

Market forces are moving toward renewable energy. The industries created 100,000 new jobs in California last year alone (Sammy Roth, Palm Springs *Desert Sun*, Feb. 20). **— NB**

GERMANY

Stuttgart bans older diesel cars

Published: Tuesday, February 21, 2017

Older diesel cars will be banned from driving in Stuttgart, Germany, next year in an attempt to reduce pollution levels.

Stuttgart regularly experiences fine particulate levels above safe levels, partly due to its location in a bowl-shaped valley.

The measure was approved today by the Baden-Württemberg state government, which is led by a coalition between the environmentalist Green Party and the Christian Democratic Union.

Only diesel cars that meet the Euro 6 emissions standard for light passenger and commercial vehicles will be able to drive in the city starting in 2018.

Stuttgart is home to German carmakers Mercedes-Benz and Porsche (AP/Tacoma *News Tribune*, Feb. 21). **— SM**

POWER PLAN HUB

Energy discussions live on as EPA rule faces death

Rod Kuckro, E&E News reporter

E&E News: Tuesday, February 21, 2017

If there's an enduring upside to U.S. EPA's doomed Clean Power Plan, it's that it spurred some much-

needed discussions about energy on the state level, says Brian Murray, director for economic analysis at Duke University's Nicholas Institute for Environmental Policy Solutions.

"There really was not much going on in terms of coordination and dialogue between energy and environmental regulators at the state level before all this," he said. But since the CPP was proposed in 2014, he said, there has been an "improved understanding of how the power sector works by environmental regulators."

POWER PLAYS

Each Monday, **Power Plays** previews upcoming moves on the way to Clean Power Plan compliance and recaps the week's developments.

Murray hosted a private discussion in Washington last week on the outlook for the energy and environment market in the Southeast in 2017 that featured such regulators and other stakeholders.

"It's fair to say that there's a fairly broad consensus that the Clean Power Plan as we know it is unlikely to see the light of day. No one knows exactly how it's going to be undone. There's a lot of different options that the Trump administration could take," Murray said.

"Right now, EPA is still legally obligated to do something about CO2," he said, suggesting that one likely outcome would be that the agency would limit its support to heat rate improvements inside the fence line of a power plant.

Those in attendance at the Feb. 15 event "drew a distinction between the Clean Power Plan's undoing by the administration" and a strong consensus "that over the long term, carbon will still likely be constrained in some way," Murray said.

"Everything right now is being driven so heavily by two things — steady and continuing economics of natural gas that is pulling more and more generation to it and also keeping prices low, and the other real dynamic in the room is the unexpected uptake in solar that people just didn't see coming," especially the drop in solar costs, Murray said.

In fact, "even without a Clean Power Plan, this increasing pace of technology development in renewables is raising some planning challenges for the states' utility commissions" and utilities, he said.

"The change in administration is not going to lead to a spike in emissions from the [electric utility] sector," Murray said. "I think it's going to change the trajectory at which [emissions] would decline, or maybe it will flatten out instead of decline with less regulatory pressure for the next several years."

While there may be a "disruption" for four to eight years, Murray said, "the long-term game looks still to be towards decarbonization and a significant uptake in renewables."

In case you missed it:

- Cap and trade is still gathering momentum in California as the state's preferred policy to reduce greenhouse gas emissions despite anti-poverty groups' best efforts to stymie it (*Climatewire*, Feb. 17).

- EPA signed off on five environmental waivers for California in the waning days of the Obama administration (*Climatewire*, Feb. 17).
- Electric utilities continue to plan to reduce carbon emissions, even as the Clean Power Plan seems doomed under the Trump administration (*Climatewire*, Feb. 15).
- Alabama's new Republican senator, Luther Strange, brings a strong anti-EPA record with him to Congress (*Climatewire*, Feb. 10).

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Wed., February 22, 2017

READ FULL EDITION

1.EPA:

Staff wary but ready to work with Pruitt amid new email dump

Newly appointed U.S. EPA Administrator Scott Pruitt yesterday tried to extend an olive branch to worried staffers hours before consenting to a judge's order and releasing more than 7,000 pages of emails with energy firms.

TOP STORIES

2.STATES:
Lawmakers use threat of Trump to pitch carbon taxes

3.TECHNOLOGY:
Will the Trump admin support advanced nuclear?

SCIENCE AND TECHNOLOGY

4.AGRICULTURE:
'Gene catalogs' aim to help crops survive climate change

5.SCIENCE:
Vaporous sky rivers could sharpen wildfire risk

6.SCIENCE:
Researchers study snow to learn about Earth's water

7.SCIENCE:
Small ponds provide large amounts of emissions

FEDERAL AGENCIES

8.AUTOS:
Automakers ask Pruitt to revisit Obama's emissions rules

9.PEOPLE:
Former DOE international affairs chief heads to Columbia Univ.

STATES

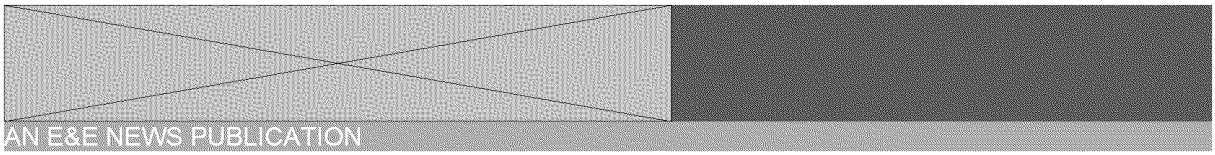
10.CALIFORNIA:
Senate leader cites climate in call for infrastructure spending

INTERNATIONAL

11.SINGAPORE:
Carbon tax targets up to 40 large emitters

E&ETV'S ONPOINT

12.EPA:
Concerned Scientists' Kimmell on Pruitt's first days at agency, focus on federalism



ENERGYWIRE — Wed., February 22, 2017

READ FULL EDITION

1.TRANSITION:
Emails hang over Pruitt message to EPA staff

Staff from the Oklahoma attorney general's office began turning over thousands of documents related to U.S. EPA Administrator Scott Pruitt's contacts with oil, gas and coal groups during his tenure as the state's top lawyer. Last night, by court order, the Center for Media and Democracy received a disc with 7,500 pages of emails and public documents that it has been requesting from Pruitt's office for two years.

TOP STORIES

2.TECHNOLOGY:
Solar startup sheds light on political donors

3.DAKOTA ACCESS:
Oil could flow through pipeline in 2 weeks

4.LAW:
Colo. court considers teens' climate lawsuit

ELECTRICITY

5.NUCLEAR:
Vogtle, Toshiba shadows hang over Southern ahead of earnings

6.SECURITY:
Homeland Security funds startups to secure 'internet of things'

7.GRID:
Lenders finance large-scale energy storage projects

OIL AND GAS

8.PEOPLE:
Okla. governor appoints Pruitt's replacement

9.TEXAS:
Oil group calls Mexico 'important trading partner' in nod to Trump

10.FINANCE:
NYSE favored for Saudi Aramco IPO

11.NATURAL GAS:
Shell sees no LNG glut thanks to increased demand

12.OBITUARY:
Wyo. oilman, politician John Wold dies

E&ETV'S ONPOINT

13.EPA:
Concerned Scientists' Kimmell on Pruitt's first days at agency, focus on federalism

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U.S. Environmental Protection Agency

Office of General Counsel

202/564-3971

turley.jennifer@epa.gov

To: Bryson, Joe[Bryson.Joe@epa.gov]
From: Culligan, Kevin
Sent: Thur 7/6/2017 6:14:16 PM
Subject: Re: few minutes to chat?

Call me before 3:30. **Ex. 6 - Personal Privacy**

Sent from my iPhone

On Jul 6, 2017, at 12:30 PM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Hey Kevin,

Do you have 10 minutes to chat some time. Today would be best but tomorrow late morning or later could also work.

I want your informal read on **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

I'm running out for food but am around and free from 12:50pm today or later. Name a time and #, if you can, and I'll give you a call.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Culligan, Kevin
Location: Call in # Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: CPP Next Steps
Start Date/Time: Thur 6/29/2017 2:15:00 PM
End Date/Time: Thur 6/29/2017 3:00:00 PM

To: Jordan, Scott[Jordan.Scott@epa.gov]
Cc: Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Culligan, Kevin
Sent: Thur 6/29/2017 2:01:23 PM
Subject: Re: CPP Next Steps

10:15 is correct

Sent from my iPhone

On Jun 29, 2017, at 10:00 AM, Jordan, Scott <Jordan.Scott@epa.gov> wrote:

I am working **Ex. 6 - Personal Privacy**

Also, the most recent invite says the meeting will start at 10:15. If that is not correct, please let me know the correct starting time.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Skinner-Thompson, Jonathan
Sent: Thursday, June 29, 2017 9:58 AM
To: Zenick, Elliott; Jordan, Scott; Steiner, Elyse; Culligan, Kevin
Subject: RE: CPP Next Steps

Works for me.

Jonathan Skinner-Thompson

From: Zenick, Elliott
Sent: Thursday, June 29, 2017 9:58 AM

To: Jordan, Scott <Jordan.Scott@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: RE: CPP Next Steps

All can we meet in Lorie's office instead? Thanks.

From: Jordan, Scott
Sent: Thursday, June 29, 2017 8:32 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: Re: CPP Next Steps

Do we have a call-in number for this call?

If you like, we could use mine:

Call: Ex. 6 - Personal Privacy

Conf Ext: Ex. 6 - Personal Privacy

Participant Code: Ex. 6 - Personal Privacy

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Steiner, Elyse

Sent: Wednesday, June 28, 2017 2:10 PM
To: Steiner, Elyse; Culligan, Kevin; Zenick, Elliott; Jordan, Scott; Skinner-Thompson, Jonathan
Subject: CPP Next Steps
When: Thursday, June 29, 2017 10:00 AM-10:45 AM.
Where:

Hopefully, we can keep it to 30 min.

Do you want to call in? Or we could meet in Steve Page's office (on 5th floor near Kevin)?

To: Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]
Cc: Zenick, Elliott[Zenick.Elliott@epa.gov]; Jordan, Scott[Jordan.Scott@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Culligan, Kevin
Sent: Thur 6/29/2017 2:00:53 PM
Subject: Re: CPP Next Steps

There is a number in the invite

Sent from my iPhone

On Jun 29, 2017, at 9:58 AM, Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov> wrote:

Works for me.

Jonathan Skinner-Thompson

From: Zenick, Elliott
Sent: Thursday, June 29, 2017 9:58 AM
To: Jordan, Scott <Jordan.Scott@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: RE: CPP Next Steps

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To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: Re: CPP Next Steps

Do we have a call-in number for this call?

If you like, we could use mine:

Call: Ex. 6 - Personal Privacy

Conf Ext: Ex. 6 - Personal Privacy

Participant Code: Ex. 6 - Personal Privacy

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Steiner, Elyse
Sent: Wednesday, June 28, 2017 2:10 PM
To: Steiner, Elyse; Culligan, Kevin; Zenick, Elliott; Jordan, Scott; Skinner-Thompson, Jonathan
Subject: CPP Next Steps
When: Thursday, June 29, 2017 10:00 AM-10:45 AM.
Where:

Hopefully, we can keep it to 30 min.

Do you want to call in? Or we could meet in Steve Page's office (on 5th floor near Kevin)?

To: Zenick, Elliott[Zenick.Elliott@epa.gov]
From: Culligan, Kevin
Sent: Wed 6/28/2017 7:45:07 PM
Subject: Re: cpp

Aaron is checking with DOJ. I am Ex. 6 - Personal Privacy Call my cell. Ex. 6 - Personal Privacy

Sent from my iPhone

On Jun 28, 2017, at 3:21 PM, Zenick, Elliott <Zenick.Elliott@epa.gov> wrote:

> Is the the call for tomorrow morning? Do we know what level of DoJ representation there will be?
>
> NSPS\Regional Haze Practice Group
> 202-564-1822
>
> On Jun 28, 2017, at 1:08 PM, Culligan, Kevin <Culligan.Kevin@epa.gov> wrote:
>
>> Who is JSK?
>>
>> Sent from my iPhone
>>
>> On Jun 28, 2017, at 10:37 AM, Zenick, Elliott <Zenick.Elliott@epa.gov> wrote:
>>
>>> Me, jsk and Scott
>>>
>>> NSPS\Regional Haze Practice Group
>>> 202-564-1822
>>>
>>> On Jun 28, 2017, at 10:18 AM, Culligan, Kevin <Culligan.Kevin@epa.gov> wrote:
>>>
>>>> OMB wants to set up call with DOJ. Who should we include?
>>>>
>>>> Sent from my iPhone

FOIA: EPA-HQ-FOIA 008391 Production Set #6

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
March 28, 2017

EXECUTIVE ORDER

- - - - - - -

PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. (a) It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.

(b) It is further in the national interest to ensure that the Nation's electricity is affordable, reliable, safe, secure, and clean, and that it can be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources.

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

(d) It further is the policy of the United States that, to the extent permitted by law, all agencies should take appropriate actions to promote clean air and clean water for the American people, while also respecting the proper roles of the Congress and the States concerning these matters in our constitutional republic.

(e) It is also the policy of the United States that necessary and appropriate environmental regulations comply with the law, are of greater benefit than cost, when permissible, achieve environmental improvements for the American people, and are developed through transparent processes that employ the best available peer-reviewed science and economics.

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources. (a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

(b) For purposes of this order, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section. The plans shall also be sent to the Vice President, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The head of any agency who determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the OMB Director a written statement to that effect and, absent a determination by the OMB Director that such agency does have agency actions described in subsection (a) of this section, shall have no further responsibilities under this section.

(d) Within 120 days of the date of this order, the head of each agency shall submit a draft final report detailing the agency actions described in subsection (a) of this section to the Vice President, the OMB Director, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The report shall include specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.

(e) The report shall be finalized within 180 days of the date of this order, unless the OMB Director, in consultation with the other officials who receive the draft final reports, extends that deadline.

(f) The OMB Director, in consultation with the Assistant to the President for Economic Policy, shall be responsible for coordinating the recommended actions included in the agency final reports within the Executive Office of the President.

(g) With respect to any agency action for which specific recommendations are made in a final report pursuant to subsection (e) of this section, the head of the relevant agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those actions, as appropriate and consistent with law. Agencies shall endeavor to coordinate such regulatory reforms with their activities undertaken in compliance with Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

Sec. 3. Rescission of Certain Energy and Climate-Related Presidential and Regulatory Actions. (a) The following Presidential actions are hereby revoked:

(i) Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change);

(ii) The Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards);

(iii) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and

(iv) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

(b) The following reports shall be rescinded:

(i) The Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); and

(ii) The Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions).

(c) The Council on Environmental Quality shall rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 *Fed. Reg.* 51866 (August 5, 2016).

(d) The heads of all agencies shall identify existing agency actions related to or arising from the Presidential actions listed in subsection (a) of this section, the reports listed in subsection (b) of this section, or the final guidance listed in subsection (c) of this section. Each agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and with the policies set forth in section 1 of this order.

Sec. 4. Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions. (a) The Administrator of the Environmental Protection Agency (Administrator) shall immediately take all steps necessary to review the final rules set forth in subsections (b)(i) and (b)(ii) of this section, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules. In addition, the Administrator shall immediately take all steps necessary to review the proposed rule set forth in subsection (b)(iii) of this section, and, if appropriate, shall, as soon as practicable, determine whether to revise or withdraw the proposed rule.

(b) This section applies to the following final or proposed rules:

(i) The final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64661 (October 23, 2015) (Clean Power Plan);

(ii) The final rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64509 (October 23, 2015); and

(iii) The proposed rule entitled "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 *Fed. Reg.* 64966 (October 23, 2015).

(c) The Administrator shall review and, if appropriate, as soon as practicable, take lawful action to suspend, revise, or rescind, as appropriate and consistent with law, the "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan.

(d) The Administrator shall promptly notify the Attorney General of any actions taken by the Administrator pursuant to this order related to the rules identified in subsection (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this

order, pending the completion of the administrative actions described in subsection (a) of this section.

Sec. 5. Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis. (a) In order to ensure sound regulatory decision making, it is essential that agencies use estimates of costs and benefits in their regulatory analyses that are based on the best available science and economics.

(b) The Interagency Working Group on Social Cost of Greenhouse Gases (IWG), which was convened by the Council of Economic Advisers and the OMB Director, shall be disbanded, and the following documents issued by the IWG shall be withdrawn as no longer representative of governmental policy:

(i) Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (February 2010);

(ii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (May 2013);

(iii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (November 2013);

(iv) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (July 2015);

(v) Addendum to the Technical Support Document for Social Cost of Carbon: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016); and

(vi) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (August 2016).

(c) Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, including with respect to the consideration of domestic versus international impacts and the consideration of appropriate discount rates, agencies shall ensure, to the extent permitted by law, that any such estimates are consistent with the guidance contained in OMB Circular A-4 of September 17, 2003 (Regulatory Analysis), which was issued after peer review and public comment and has been widely accepted for more than a decade as embodying the best practices for conducting regulatory cost-benefit analysis.

Sec. 6. Federal Land Coal Leasing Moratorium. The Secretary of the Interior shall take all steps necessary and appropriate to amend or withdraw Secretary's Order 3338 dated January 15, 2016 (Discretionary Programmatic Environmental Impact Statement (PEIS) to

Modernize the Federal Coal Program), and to lift any and all moratoria on Federal land coal leasing activities related to Order 3338. The Secretary shall commence Federal coal leasing activities consistent with all applicable laws and regulations.

Sec. 7. Review of Regulations Related to United States Oil and Gas Development. (a) The Administrator shall review the final rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," 81 *Fed. Reg.* 35824 (June 3, 2016), and any rules and guidance issued pursuant to it, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

(b) The Secretary of the Interior shall review the following final rules, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules:

(i) The final rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (March 26, 2015);

(ii) The final rule entitled "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (November 4, 2016);

(iii) The final rule entitled "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (November 14, 2016); and

(iv) The final rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (November 18, 2016).

(c) The Administrator or the Secretary of the Interior, as applicable, shall promptly notify the Attorney General of any actions taken by them related to the rules identified in subsections (a) and (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, until the completion of the administrative actions described in subsections (a) and (b) of this section.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
March 28, 2017.

# # #

To: Harvey, Reid[Harvey.Reid@epa.gov]
From: Culligan, Kevin
Sent: Mon 4/3/2017 3:31:24 PM
Subject: RE: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

I left her a voice-mail this morning.

From: Harvey, Reid
Sent: Friday, March 31, 2017 4:30 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: FW: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

Ex. 5 - Deliberative Process Once you've reviewed, do you want to get back to her for both of us?

Have a good weekend.

Reid

From: Callaghan, Caitlin [mailto:Caitlin.Callaghan@Hq.Doe.Gov]
Sent: Thursday, March 30, 2017 12:14 PM
To: Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

Reid/Kevin,

I took a stab at the updates based on our conversation…but still need to clean up the citations and watch for a few things to get published in the FR (maybe this Friday). I found some of the documents you mentioned through Google and others' websites, so I was able to reference them and pull info from there. Please let me know if I've sufficiently captured our discussed changes and if you'd like any further changes.

In addition to updating the citations (need to get to my Bluebook), I'm also checking with our fossil folks to see if the map in the section has an update.

Thanks again for the input…look forward to hearing from you on the edits.

Caitlin

From: Callaghan, Caitlin
Sent: Tuesday, March 28, 2017 6:01 PM
To: Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

Let's shoot for tomorrow at 3pm.

Thanks again!

Caitlin A Callaghan, PhD/JD
Chemical Engineer, Transmission Permitting & Technical Assistance Division
Program Lead, Electricity Policy Technical Assistance Program
Office of Electricity Delivery & Energy Reliability | U.S. Department of Energy
1000 Independence Ave, SW | Washington, DC 20585
202.287.6345 office | 240.477.0478 mobile | 202.586.1472 fax
caitlin.callaghan@hq.doe.gov | http://www.oe.energy.gov

Media Inquiries: Contact the Office of Public Affairs at (202) 586-4940 or DOENews@hq.doe.gov.

From: Harvey, Reid <Harvey.Reid@epa.gov>
Sent: Tuesday, March 28, 2017 5:29:07 PM

To: Callaghan, Caitlin; Culligan, Kevin
Subject: RE: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

Caitlin:

Kevin and I have some suggested wording edits, **Ex. 5 - Deliberative Process** Can we set a time that works for you during your meetings when you can step out to do a call with us and give you our edits by phone, rather than in writing? Some options that work for us to talk are: tomorrow (3/29) at 3pm or Thursday the 30th at 2pm.

Once you pick a time, I can send the three of us a meeting invite. We can use my call-in conference line at: **Ex. 6 - Personal Privacy**

Talk to you soon.

Reid

Reid Harvey

Acting Director

Office of Atmospheric Programs, OAR

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW (6204J)

Washington, DC 20460

202-343-9429

From: Callaghan, Caitlin [mailto:Caitlin.Callaghan@Hq.Doe.Gov]
Sent: Friday, March 24, 2017 1:04 PM
To: Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: For EPA review: DOE's 2017 Economic Dispatch Report - Environmental Section

Reid/Kevin,

Ex. 5 - Deliberative Process

Thanks in advance for helping with what I hope won't be too heavy a lift! Please let me know if you have any questions.

Caitlin

Caitlin A Callaghan, PhD/JD

Chemical Engineer, Transmission Permitting & Technical Assistance Division

Program Lead, Electricity Policy Technical Assistance Program

Office of Electricity Delivery & Energy Reliability | U.S. Department of Energy

1000 Independence Ave, SW | Washington, DC 20585

202.287.6345 office | 240.477.0478 mobile | 202.586.1472 fax

caitlin.callaghan@hq.doe.gov | http://www.oe.energy.gov

Media Inquiries: Contact the Office of Public Affairs at (202) 586-4940 or DOENews@hq.doe.gov.

To: Kevin Culligan[**Ex. 6 - Personal Privacy**]
From: Culligan, Kevin
Sent: Fri 2/24/2017 2:36:12 PM
Subject: Fwd: Background info (111d comment)
OK_AG_Pruitt_Plan_05.20.14.pdf
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Adamantiades, Mikhail" <Adamantiades.Mikhail@epa.gov>
To: "Culligan, Kevin" <Culligan.Kevin@epa.gov>, "Hoffman, Howard" <hoffman.howard@epa.gov>
Subject: FW: Background info (111d comment)

From: Adamantiades, Mikhail
Sent: Wednesday, February 22, 2017 4:18 PM
To: Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Sims, Ryan <Sims.Ryan@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Jones, Anthony <jones.anthony@epa.gov>; Victor, Meg <Victor.Meg@epa.gov>
Subject: Background info (111d comment)

The OKAG Plan offers an alternative framework that is consistent with the State primacy entrenched in Section 111(d). As contemplated by Section 111(d), States possess the authority and discretion to define emission reduction requirements through unit-specific analyses. The OKAG Plan eschews the mass-emissions model because this approach subsumes resource planning processes traditionally left to the States into mandatory CO2 budgets. Instead, the OKAG Plan allows for a unit-by-unit analysis and considers affordable electricity. In addition, the framework holds EPA to its recent public pronouncements regarding regulation of existing EGUs. In a December 2, 2013 speech before the Center for American Progress, EPA Administrator Gina McCarthy pledged that EPA would be "really flexible" with States regarding Section 111(d). The OKAG Plan embraces the "significant flexibility" left to the States under Section 111(d).

To: Jordan, Scott[Jordan.Scott@epa.gov]
From: Zenick, Elliott
Sent: Tue 5/23/2017 3:18:15 PM
Subject: RE: Upcoming CPP Status Reports

Ex. 5 - Deliberative Process Attorney Client

From: Jordan, Scott
Sent: Tuesday, May 23, 2017 11:15 AM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>
Cc: Lynk, Brian (ENRD) <Brian.Lynk@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: Re: Upcoming CPP Status Reports

Elliott -

Ex. 5 - Deliberative Process Attorney Client

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Tuesday, May 23, 2017 11:03 AM
To: Jordan, Scott; Zenick, Elliott
Cc: Lynk, Brian (ENRD); Kolman, Chloe (ENRD)
Subject: Upcoming CPP Status Reports

Scott and Elliott,

Ex. 5 - Deliberative Process Attorney Client

Eric

Eric Hostetler

Senior Counsel for Appellate Matters

Environmental Defense Section

United States Department of Justice

202-305-2326

From: Jordan, Scott [mailto:Jordan.Scott@epa.gov]
Sent: Thursday, May 18, 2017 9:02 AM
To: Marsh, Karen <Marsh.Karen@epa.gov>; Spence, Kelley <Spence.Kelley@epa.gov>; Baumgart-Getz, Adam <Baumgart-Getz.Adam@epa.gov>; Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>; Bowers, Kate (ENRD) <KBowers@ENRD.USDOJ.GOV>; Shea, Sonya (ENRD) <SShea@ENRD.USDOJ.GOV>; Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>; Lynk, Brian (ENRD) <BLynk@ENRD.USDOJ.GOV>; Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>

Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Hooks, Samantha <hooks.samantha@epa.gov>; Stafford, Barbara <stafford.barbara@epa.gov>; Motley, Judy <motley.judy@epa.gov>
Subject: Advance Notice of Leave - May 25 and 26

FYI - I will taking **Ex. 6 - Personal Privacy** as leave.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

To: Macpherson, Alex[Macpherson.Alex@epa.gov]; Marten, Alex[Marten.Alex@epa.gov]
Cc: Eschmann, Erich[Eschmann.Erich@epa.gov]
From: Evans, DavidA
Sent: Wed 5/3/2017 4:40:17 PM
Subject: RE: ....

Actually + Erich this time.

I spoke w/ Alex Mac. He isn't aware of any proposed edits or changes to the memo, but is going to ask around.

Here is the article I was still telling Alex and Erich about the remand of the CPP briefing and perhaps why the court asked about it:

https://insideepa.com/daily-news/dc-circuits-pause-power-plant-ghg-suits-may-ease-epa-rule-rewrites

d

From: Evans, DavidA
Sent: Wednesday, May 03, 2017 12:12 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: ....

+ Erich

Alex,

I asked Al if he heard anything about the memo. He hasn't. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process However, I would then be worried about version control if we were circulating multiple versions. Do you plan on updating it soon? Can we ratify my proposed edits and then we circulate? If not, I can just tell Al the version he has Friday is the most recent one.

Dave

From: Macpherson, Alex
Sent: Tuesday, May 02, 2017 5:05 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: ....

OK, thanks.

From: Evans, DavidA
Sent: Tuesday, May 02, 2017 5:03 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: ....

I haven't. I didn't even see Al today.

From: Macpherson, Alex
Sent: Tuesday, May 02, 2017 3:55 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>

Subject: ....

Heard anything on the cost memo? I have not…nothing on the package either

Alex

To: Sasser, Erika[Sasser.Erika@epa.gov]
Cc: Macpherson, Alex[Macpherson.Alex@epa.gov]
From: Weatherhead, Darryl
Sent: Mon 4/24/2017 6:13:13 PM
Subject: RE: CPP RIA - update

Hi Erika,

As an update to what you provided to Steve. Here are a few bullet points from Alex, with a tweak or two from me.

Ex. 5 - Deliberative Process

Thanks

Darryl

From: Sasser, Erika
Sent: Thursday, April 20, 2017 5:26 PM
To: Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: FW: CPP RIA

I'll let you know what I hear back on approach/time frame—I know with the mines work time is scarce, so hopefully 2 weeks will be OK.

From: Sasser, Erika
Sent: Thursday, April 20, 2017 5:25 PM
To: Page, Steve <Page.Steve@epa.gov>
Subject: CPP RIA

Steve:

Spoke with Al earlier this afternoon Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you need more information on this—we think we can deliver the full memo within 2 weeks; meantime we are working up a short summary to include in the E.O. 12866 section of the reg package by noon tomorrow.

Thanks,

Erika

To: Macpherson, Alex[Macpherson.Alex@epa.gov]; Miller, Elizabeth[Miller.Elizabeth@epa.gov]
From: Weatherhead, Darryl
Sent: Mon 4/24/2017 4:56:25 PM
Subject: FW: 2 letters from Carper - O&G and CPP
April 7_2017_CPP EO_final.pdf
2017-04-06--ICR Pruitt letter.pdf

FYI on the Oil & Gas letter. We haven't been asked to assist in responding to these yet.

From: Sasser, Erika
Sent: Monday, April 17, 2017 1:56 PM
To: Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Cc: Chappell, Linda <Chappell.Linda@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>
Subject: FW: 2 letters from Carper - O&G and CPP

FYI—see April 7 CPP letter, p. 3 (last bullet point, #8) for the jobs question. Jackie, if you can help keep us in the loop as the plans for the response develop, that would be good. We're happy to help but not clear what direction the response will take here.

From: Ashley, Jackie
Sent: Friday, April 07, 2017 3:09 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>
Subject: FYI: 2 letters from Carper - O&G and CPP

All –

FYI that OCIR has gotten 2 letters from Sen. Carper and several other senators asking for information about recent EPA actions – one on O&G ICR and one on the CPP EO. Matthew Davis of OCIR is entering them in CMS. I don't have additional information at this time about what next steps will be to draft response but wanted to make sure you had copies.

Erika – note specifically that the CPP letter includes a question about the effect of rescinding the CPP on coal mines and asks for an analysis.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]
From: Sasser, Erika
Sent: Thur 4/20/2017 9:26:25 PM
Subject: FW: CPP RIA

I'll let you know what I hear back on approach/time frame—I know with the mines work time is scarce, so hopefully 2 weeks will be OK.

From: Sasser, Erika
Sent: Thursday, April 20, 2017 5:25 PM
To: Page, Steve <Page.Steve@epa.gov>
Subject: CPP RIA

Steve:

Spoke with Al earlier this afternoon and Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you need more information on this—we think we can deliver the full memo within 2 weeks; meantime we are working up a short summary to include in the E.O. 12866 section of the reg package by noon tomorrow.

Thanks,

Erika

To: OAQPS HEID AEG[OAQPS_HEID_AEG@epa.gov]
From: Weatherhead, Darryl
Sent: Mon 4/17/2017 1:05:09 PM
Subject: FW: Summary of Recent Orders and Memos
Recent Actions on Regulatory Reform Final 04.05.17 0850.docx

From: Keating, Martha
Sent: Thursday, April 13, 2017 10:08 AM
To: OAQPS HEID GL <OAQPS_HEID_GL@epa.gov>
Cc: Sasser, Erika <Sasser.Erika@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>; Fann, Neal <Fann.Neal@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>
Subject: Summary of Recent Orders and Memos

FYI – updated 4/4/17.

mk

Martha Keating|Policy Advisor, Health and Environmental Impacts Division|U.S. EPA, RTP, NC, 27711|(919) 541-9407

Recent Actions on Regulatory Reform

EMC Update – April 4, 2017

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

- Generally known as the "2 for 1" EO – requires EPA to modify or repeal two existing regulations for each new regulation proposed or finalized in FY17 and thereafter.
- OMB guidance established that costs for final, significant rules in FY17 (after Inauguration Day) need to be fully offset by cost savings from modification or repeal of other regulations.
- We also expect to get a regulatory budget for FY18 from OMB.

Executive Order 13777: Enforcing the Regulatory Reform Agenda

- Implements and enforces regulatory reform, with goal of alleviating unnecessary regulatory burden.
- Establishes a Regulatory Reform Officer (RRO) and a Regulatory Reform Task Force at each Agency. At EPA, the RRO is Samantha Dravis, and the members of the Task Force are Ryan Jackson, Byron Brown, Samantha Dravis, and Brittany Bolen.
    - The Task Force is to identify regulations that could be repealed, replaced, or modified because they are outdated, unnecessary, or ineffective.
    - The Task Force must seek input from State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.
    - By May 26, the Task Force must provide a progress report to the Administrator.
- **Next step: Per the Administrator memo dated March 24, acting AAs and RAs should consult with stakeholders and provide recommendations to the Task Force by May 15.**

Executive Order 13783: Promoting Energy Independence and Economic Growth

- This is the most recent EO, signed here at EPA last Tuesday.
- Directs EPA to review the Clean Power Plan, related rules, and an Oil and Gas rule (the NSPS).
- It also directs agencies to review existing regulations, orders, guidance documents, and policies that potentially burden the development or use of domestically produced energy resources.
- By May 12, the Administrator must submit a plan for the review of existing regulations to OMB.
- By late July, the Administrator must submit a draft final report detailing agency actions to review existing regulations that potentially burden the development or use of domestically produced energy resources.
- **Next step: There may be a memo forthcoming from the Administrator that offers more specifics about next steps for the Agency.**

Executive Order 13766: Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects

- The goal of this EO is to ensure that federal infrastructure decisions are accomplished with maximum efficiency and effectiveness while respecting property rights and protecting public safety and the environment.

Ex. 5 - Deliberative Process

Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

- Directs agencies to support expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and reductions in regulatory burdens affecting domestic manufacturing.
- Department of Commerce has the lead for the memo, and was directed to conduct outreach to stakeholders on the impact of Federal regulations on domestic manufacturing. They published a request for information in early March, with comments due this past Friday. Around 170 comments have been received, and Commerce has indicated many of them are related to EPA.
- OP will be sharing those comments with the relevant program offices and coordinating the response to the Presidential Memo.
- **Next step: Per the OP e-mail dated April 3, acting AAs should submit a list of permitting reforms in progress and identify additional opportunities to simplify permitting processes by the end of the week.**

Administrator Memo on Improved Management of Regulatory Actions

- Sent from the Administrator to acting AAs and RAs on March 24.
- Directs us to add more actions into the agency's regulatory management system (ADP Tracker) to provide senior leadership a more comprehensive understanding of the Agency's policymaking activities.
- OP has been gathering additional information from Programs and Regions (e.g., on different types of petitions and permits) to inform upcoming guidance.
- **Next step: OP will release guidance soon, and then Programs and Regions will be asked to begin entering additional items into ADP Tracker.**

Regulatory Agenda

- The Agency is currently preparing the Regulatory Agenda, which comes out every spring and fall and highlights the regulations EPA expects to publish in the following year.

Ex. 5 - Deliberative Process

- Programs recently submitted information to OP, and discussions are underway with senior leadership on final submission to OMB.
- **Next step: Senior leadership decisions on submission to OMB and negotiation with OMB on final content. Spring agendas typically publish in April or May.**

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Macpherson, Alex
Sent: Tue 5/30/2017 2:32:33 PM
Subject: RE: Ideas for cobenefits discussion

Ok...i can do that

-----Original Message-----
From: Evans, DavidA
Sent: Tuesday, May 30, 2017 10:32 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Ideas for cobenefits discussion

Sorry - was asking for a cross-ref to this discussion from section 4.

-----Original Message-----
From: Macpherson, Alex
Sent: Tuesday, May 30, 2017 10:31 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: Ideas for cobenefits discussion

On pt 4, look at last 2 paragraphs of 5.5...isn't that would you are talking about...or are you asking for cross-ref to this discussion from section 4?

-----Original Message-----
From: Evans, DavidA
Sent: Tuesday, May 30, 2017 10:26 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Ideas for cobenefits discussion

Responses.

-----Original Message-----
From: Macpherson, Alex
Sent: Tuesday, May 30, 2017 10:16 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: Ideas for cobenefits discussion

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----
From: Evans, DavidA
Sent: Monday, May 29, 2017 1:58 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: Ideas for cobenefits discussion

Alex,

Ex. 5 - Deliberative Process

I suspect Al might review this section carefully, although his main concern from talking to omb has already been addressed. I will let him know what I think it needs, but note there may be concerns I'm not aware of. He knows there is a staffing challenge. I let you know asap what he says.

Sent from my iPhone

To: Sasser, Erika[Sasser.Erika@epa.gov]; Keating, Martha[keating.martha@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]
From: Macpherson, Alex
Sent: Fri 5/26/2017 2:59:52 PM
Subject: RE: new text for review

Erika

Ex. 5 - Deliberative Process suggestions below in highlight. Ok with you?

Alex

Ex. 5 - Deliberative Process

From: Sasser, Erika
Sent: Friday, May 26, 2017 10:08 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Keating, Martha <keating.martha@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: RE: new text for review

I think Ex. 5 - Deliberative Process Other edits marked

From: Macpherson, Alex
Sent: Friday, May 26, 2017 9:43 AM
To: Sasser, Erika <Sasser.Erika@epa.gov>; Keating, Martha <keating.martha@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: new text for review

In Section 5.2 on regulatory cost uncertainty

Ex. 5 - Deliberative Process

In Section 5.5 on PM2.5 and O3 health co-benefit uncertainty

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Keating, Martha[keating.martha@epa.gov]
From: Macpherson, Alex
Sent: Thur 5/25/2017 8:21:17 PM
Subject: RE: see new sentence please

Yes, thanks

From: Keating, Martha
Sent: Thursday, May 25, 2017 3:49 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: see new sentence please

Yes, I think so – but do you want to soften it a bit and say this:

Ex. 5 - Deliberative Process

Martha Keating|Policy Advisor, Health and Environmental Impacts Division|U.S. EPA, RTP, NC, 27711|(919) 541-9407

From: Macpherson, Alex
Sent: Thursday, May 25, 2017 3:40 PM
To: Keating, Martha <keating.martha@epa.gov>
Subject: RE: see new sentence please

Improvement?:

Ex. 5 - Deliberative Process

From: Keating, Martha
Sent: Thursday, May 25, 2017 3:14 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: see new sentence please

I think the concept is correct but wonder about the tense being consistent.

Ex. 5 - Deliberative Process

Should "would have been otherwise achieved" be this instead to match tense:

Ex. 5 - Deliberative Process

Martha Keating|Policy Advisor, Health and Environmental Impacts Division|U.S. EPA, RTP, NC, 27711|(919) 541-9407

From: Macpherson, Alex
Sent: Thursday, May 25, 2017 3:00 PM
To: Keating, Martha <keating.martha@epa.gov>
Subject: see new sentence please

Seem ok with you?

Ex. 5 - Deliberative Process

To: Keating, Martha[keating.martha@epa.gov]
From: Macpherson, Alex
Sent: Thur 5/25/2017 7:40:04 PM
Subject: RE: see new sentence please

Improvement?:

Ex. 5 - Deliberative Process

From: Keating, Martha
Sent: Thursday, May 25, 2017 3:14 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: see new sentence please

I think the concept is correct but wonder about the tense being consistent.

Ex. 5 - Deliberative Process

Martha Keating|Policy Advisor, Health and Environmental Impacts Division|U.S. EPA, RTP, NC, 27711|(919) 541-9407

From: Macpherson, Alex
Sent: Thursday, May 25, 2017 3:00 PM
To: Keating, Martha <keating.martha@epa.gov>
Subject: see new sentence please

Seem ok with you?

Ex. 5 - Deliberative Process

To: Mathias, Scott[Mathias.Scott@epa.gov]
Cc: Keating, Martha[keating.martha@epa.gov]
From: Macpherson, Alex
Sent: Wed 5/24/2017 6:25:06 PM
Subject: RE: paragraph for quick review

Thanks

Alex

From: Mathias, Scott
Sent: Wednesday, May 24, 2017 2:24 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: Keating, Martha <keating.martha@epa.gov>
Subject: RE: paragraph for quick review

Ex. 5 - Deliberative Process

Scott Mathias | Associate Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

From: Macpherson, Alex
Sent: Wednesday, May 24, 2017 12:38 PM
To: Mathias, Scott <Mathias.Scott@epa.gov>
Cc: Keating, Martha <keating.martha@epa.gov>
Subject: paragraph for quick review

Scott: talking to Martha now. Can you give this paragraph a quick review? Your feedback would be great. Thanks Alex

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Hetes, Bob[Hetes.Bob@epa.gov]
From: Macpherson, Alex
Sent: Wed 5/24/2017 4:17:02 PM
Subject: RE: Friday 5/19/17 update

Shared…the RIA is called 'ch1_proposal_2017' in the proposal_2017 directory

From: Hetes, Bob
Sent: Wednesday, May 24, 2017 12:12 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: FW: Friday 5/19/17 update
Importance: High

Alex

I know that you are busy but was hoping that you could provide me access to the SharePoint folder and documents you set up for this effort. Would like to make sure that we are providing you what you need from our group.

Thanks.

Bob

From: Weatherhead, Darryl
Sent: Monday, May 22, 2017 10:38 AM
To: Hetes, Bob <Hetes.Bob@epa.gov>
Subject: FW: Friday 5/19/17 update
Importance: High

From: Macpherson, Alex
Sent: Friday, May 19, 2017 12:41 PM
To: Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: FW: Friday 5/19/17 update
Importance: High

Fyi…

From: Macpherson, Alex
Sent: Friday, May 19, 2017 12:40 PM
To: Shouse, Kate <Shouse.Kate@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Hubbell, Bryan <Hubbell.Bryan@epa.gov>; Ferris, Ann <Ferris.Ann@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Kelly Maguire <Maguire.Kelly@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>
Subject: Friday 5/19/17 update
Importance: High

Team

Lots of information, so please read carefully.

Ex. 5 - Deliberative Process

To that end, I put a version of the document on the new sharepoint drive and titled it 'ch1_proposal_2017.docx'. In the doc, I also made section lead assignments. I also inserted some comment bubbles with some very initial thoughts where new points may want to be made.

Everyone, please review as soon as possible…also let me know if you have any technical difficulties accessing the doc.

Ex. 5 - Deliberative Process

I will convene a Monday am discussion of the people I have identified as leads to make sure everyone has what they need to get moving forward. I also expect these leads to draw in people from the larger team as appropriate to get the job done quickly and well.

Re: timing. Our target completion date is Friday, June 2, but we must recognize that we may need to complete earlier if direction indicates. With this in mind, here is our (simple) schedule:

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- Week of May 29-June 2. Management review and fine tuning.

Again, I have to emphasis this is schedule is provisional, and we may need to finish earlier.

Please let me know if you have any questions or important information for me. Thanks.

Alex

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Macpherson, Alex
Sent: Tue 5/23/2017 2:08:02 PM
Subject: RE: "Need for regulatory action" - notes/thoughts

Ok. thx for followup

From: Evans, DavidA
Sent: Tuesday, May 23, 2017 10:06 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: "Need for regulatory action" - notes/thoughts

FYI. I just checked in with Al. Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

From: Macpherson, Alex
Sent: Tuesday, May 23, 2017 8:48 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: "Need for regulatory action" - notes/thoughts

Ex. 5 - Deliberative Process

From: Evans, DavidA
Sent: Tuesday, May 23, 2017 8:46 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: "Need for regulatory action" - notes/thoughts

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

d

From: Macpherson, Alex
Sent: Monday, May 22, 2017 8:15 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: "Need for regulatory action" - notes/thoughts

Ex. 5 - Deliberative Process

From: Evans, DavidA
Sent: Monday, May 22, 2017 5:15 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: "Need for regulatory action" - notes/thoughts

Alex,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thoughts?

Dave

To: Conlin, Beth[Conlin.Beth@epa.gov]
Cc: Bryson, Joe[Bryson.Joe@epa.gov]; Dietsch, Nikolaas[Dietsch.Nikolaas@epa.gov]
From: Macpherson, Alex
Sent: Tue 5/23/2017 2:07:11 PM
Subject: EE discussion

Beth

I received information via management that the final CPP RIA and the draft cost memo (also in the sharepoint) contains most of the text relevant to **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

I think this should help us get through a first draft relatively quickly. Please let me know if you have any questions. Thanks for your patience with all of this.

Alex

To: Shouse, Kate[Shouse.Kate@epa.gov]; Sarofim, Marcus[Sarofim.Marcus@epa.gov]
From: Macpherson, Alex
Sent: Tue 5/23/2017 1:32:57 PM
Subject: RE: 2017 CPP RIA

I'll add Marcus now….we can also talk now if you are able.

From: Shouse, Kate
Sent: Tuesday, May 23, 2017 9:31 AM
To: Sarofim, Marcus <Sarofim.Marcus@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: 2017 CPP RIA

Hi: I couldn't tell whether Marcus has access to the RIA draft in Sharepoint, so I just sent the link. Marcus, please let us know if that doesn't work.

I think section 1.2.2 needs input from Marcus and his branch. Maybe most efficient thing would be for the three of us to get on a call? I can find time on calendars and set it up. The deadline is highly compressed (final version due next Friday, when both Marcus and I are on travel).

Thanks,

Kate

From: Macpherson, Alex
Sent: Friday, May 19, 2017 12:40 PM
To: Shouse, Kate <Shouse.Kate@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Hubbell, Bryan <Hubbell.Bryan@epa.gov>; Ferris, Ann <Ferris.Ann@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Maguire, Kelly <Maguire.Kelly@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>
Subject: Friday 5/19/17 update
Importance: High

Team

Lots of information, so please read carefully.

Ex. 5 - Deliberative Process

To that end, I put a version of the document on the new sharepoint drive and titled it 'ch1_proposal_2017.docx'. In the doc, I also made section lead assignments. I also inserted some comment bubbles with some very initial thoughts where new points may want to be made.

Everyone, please review as soon as possible…also let me know if you have any technical difficulties accessing the doc.

Ex. 5 - Deliberative Process

I will convene a Monday am discussion of the people I have identified as leads to make sure everyone has what they need to get moving forward. I also expect these leads to draw in people from the larger team as appropriate to get the job done quickly and well.

Re: timing. Our target completion date is Friday, June 2, but we must recognize that we may need to complete earlier if direction indicates. With this in mind, here is our (simple) schedule:

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- Week of May 29-June 2. Management review and fine tuning.

Again, I have to emphasis this is schedule is provisional, and we may need to finish earlier.

Please let me know if you have any questions or important information for me. Thanks.

Alex

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Macpherson, Alex
Sent: Tue 5/23/2017 12:14:54 AM
Subject: RE: "Need for regulatory action" - notes/thoughts

Ex. 5 - Deliberative Process

From: Evans, DavidA
Sent: Monday, May 22, 2017 5:15 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: "Need for regulatory action" - notes/thoughts

Alex,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Shouse, Kate[Shouse.Kate@epa.gov]
From: Macpherson, Alex
Sent: Mon 5/22/2017 3:17:58 PM
Subject: RE: Word version of the federal plan RIA?

Ex. 5 - Deliberative Process

From: Shouse, Kate
Sent: Monday, May 22, 2017 11:10 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Word version of the federal plan RIA?

Thanks, Alex.

Ex. 5 - Deliberative Process

From: Macpherson, Alex
Sent: Monday, May 22, 2017 10:49 AM
To: Shouse, Kate <Shouse.Kate@epa.gov>
Subject: RE: Word version of the federal plan RIA?

Marcus is added. Altho it might be better to talk in small group on this particular topic.

Ex. 5 - Deliberative Process

Alex

From: Shouse, Kate
Sent: Monday, May 22, 2017 10:11 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Word version of the federal plan RIA?

Marcus wrote about climate impacts and the Endangerment Finding. I strongly recommend inviting him to the 11:30 call. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Macpherson, Alex
Sent: Monday, May 22, 2017 10:02 AM
To: Shouse, Kate <Shouse.Kate@epa.gov>
Subject: RE: Word version of the federal plan RIA?

The sharepoint has a draft that starts Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process Also, I'm trying to remember which section Marcus contributed to…can you remind me please?

Alex

From: Shouse, Kate
Sent: Monday, May 22, 2017 9:47 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: FW: Word version of the federal plan RIA?

Hi: I found a Word copy of the Federal Plan but still have a question about whether the 11:30 will be a good time to discuss RIA with Marcus or if we should do something separate. Thanks!

From: Shouse, Kate
Sent: Monday, May 22, 2017 9:39 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: Word version of the federal plan RIA?

I can't find it in my files and would find it helpful to have in drafting the 2017 materials.

Ex. 5 - Deliberative Process

Also, I think we should talk to Marcus Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Do you want to invite him to the 11:30 am call today or talk separately?

From: Macpherson, Alex
Sent: Friday, May 19, 2017 12:40 PM
To: Shouse, Kate <Shouse.Kate@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Hubbell, Bryan <Hubbell.Bryan@epa.gov>; Ferris, Ann <Ferris.Ann@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Maguire, Kelly <Maguire.Kelly@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>
Subject: Friday 5/19/17 update
Importance: High

Team

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Ex. 5 - Deliberative Process

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Please let me know if you have any questions or important information for me. Thanks.

Alex

To: Shouse, Kate[Shouse.Kate@epa.gov]
From: Macpherson, Alex
Sent: Mon 5/22/2017 2:01:55 PM
Subject: RE: Word version of the federal plan RIA?

The sharepoint has a draft that starts Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process Also, I'm trying to remember which section Marcus contributed to…can you remind me please?

Alex

From: Shouse, Kate
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To: Macpherson, Alex <Macpherson.Alex@epa.gov>
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To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: Word version of the federal plan RIA?

I can't find it in my files and would find it helpful to have in drafting the 2017 materials.

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From: Macpherson, Alex
Sent: Friday, May 19, 2017 12:40 PM
To: Shouse, Kate <Shouse.Kate@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Hubbell, Bryan <Hubbell.Bryan@epa.gov>; Ferris, Ann <Ferris.Ann@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Maguire, Kelly <Maguire.Kelly@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>
Subject: Friday 5/19/17 update
Importance: High

Team

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Ex. 5 - Deliberative Process

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Again, I have to emphasis this is schedule is provisional, and we may need to finish earlier.

Please let me know if you have any questions or important information for me. Thanks.

Alex

To: Shouse, Kate[Shouse.Kate@epa.gov]
From: Macpherson, Alex
Sent: Thur 5/18/2017 6:29:44 PM
Subject: RE: I'm good to go on the RIA

Thanks! I'm tentatively planning on working forward from the federal plan proposal RIA. It hit me that that RIA summarized the final CPP RIA in a way that is useful for this. more to come on that, but that's what I'm thinking now

Alex

From: Shouse, Kate
Sent: Thursday, May 18, 2017 1:53 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: I'm good to go on the RIA

And I will follow up with Elizabeth to discuss the climate portion of what's now shown as chapter 3.

Thanks,
Kate

To: Evans, DavidA[Evans.DavidA@epa.gov]
Cc: Marten, Alex[Marten.Alex@epa.gov]
From: Macpherson, Alex
Sent: Mon 5/1/2017 2:01:38 PM
Subject: RE: Quick check in

Thanks. I'll look a little later. I'm going to try to read the EWM draft today.

Ex. 5 - Deliberative Process

From: Evans, DavidA
Sent: Monday, May 01, 2017 9:52 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: Quick check in

Okay. I made the edits. I have a few small comments/suggestions in there for you, too. I haven't heard anything.

Ex. 5 - Deliberative Process

Dave

From: Macpherson, Alex
Sent: Monday, May 01, 2017 9:15 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: Quick check in

Thanks. I have still heard nothing over where it was left Friday pm…Monday is Ex. 6 - Personal Privacy so please call me at Ex. 6 - Personal Privacy f anything comes up.

Alex

From: Evans, DavidA
Sent: Monday, May 01, 2017 9:00 AM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: Quick check in

Okay Alex. I will drop those edits in momentarily.

Dave

From: Macpherson, Alex
Sent: Saturday, April 29, 2017 2:58 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: Quick check in

Hi Dave

This is the first I checked email since I went home yesterday. As far as I know, the draft package went to Sarah et al. I have heard nothing since then. If you want to correct the typos, please do in RLSO, but strictly limit to typos or obvious grammar things. Not sure if we will get comments and or a chance to revise but we'll see.

Alex

From: Evans, DavidA
Sent: Friday, April 28, 2017 7:12 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>
Subject: Quick check in

Hi Alex,

I'm leaving. I'm not sure where things stand with the memo. I read it over about an hour ago and noticed a few typos and run-on sentences that could use a quick edit. I haven't edited sharepoint version, though. I will check email over the weekend, so if an opportunity comes up to edit them let me know.

Dave

To: Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]
From: Macpherson, Alex
Sent: Fri 4/28/2017 7:11:37 PM
Subject: FW: What went forward
cost_memo_draft_042817.docx
CPP Proposal.FR Notice.4.21.17.draft.docx

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:11 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Subject: What went forward

From: Culligan, Kevin
Sent: Friday, April 28, 2017 3:01 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: CPP NPR and cost memo

Mike,

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo.

With regards to the NPR there are several things worth highlighting:

1. This version works off of the version Lori Schmidt provided you via e-mail at 4:27 PM on

Friday April 27 (based on discussions with OGC yesterday they indicated this was the best version to work off of.

2. Our edits address several things:

Ex. 5 - Deliberative Process

- Kevin

To: Evans, DavidA[Evans.DavidA@epa.gov]; Marten, Alex[Marten.Alex@epa.gov]; Eschmann, Erich[Eschmann.Erich@epa.gov]
Cc: Keaveny, Brian[Keaveny.Brian@epa.gov]
From: Macpherson, Alex
Sent: Fri 4/28/2017 7:01:44 PM
Subject: FW: Draft Cost Memo
cost_memo_draft_042817.docx

All,

Attached is the version that is going up to Sarah for review. I'm not sure what happens after this. Hopefully we will have a chance to resolve any open issues.

As always, thank you very much for your efforts and professionalism. I enjoy working with you guys and always learn a lot.

Alex

From: Macpherson, Alex
Sent: Friday, April 28, 2017 2:58 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>
Cc: Koerber, Mike <Koerber.Mike@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>
Subject: Draft Cost Memo

Kevin

Attached is the draft cost memo. Please call me or Brian Keaveny if you have any questions. Thanks.

Alex

Alexander Macpherson, PhD

Senior Economist

Office of Air and Radiation

US Environmental Protection Agency

919-541-9770

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: SNL Alerts
Sent: Mon 6/12/2017 8:25:49 AM
Subject: SNL Publications Summary

PUBLICATIONS SUMMARY

SNL Energy Finance Daily

Download:

TOP HEADLINES

- MarketWeek: Oncor public offering 'path of least resistance,' M&A favored by EFH creditors
- Soft Brexit hopes temper UK election shock as May hangs on as PM
- Concerns about contractor building Cameron LNG fuel pessimism for Sempra
- UK Conservatives need deal to stay in power as Brexit gamble fails
- Spain's Catalonia calls secession referendum for Oct. 1

SNL Power Daily with Market Report

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TOP HEADLINES

- Policy think tank to update social cost of carbon as government retreats
- MarketWeek: Oncor public offering 'path of least resistance,' M&A favored by EFH creditors
- EPA advances Clean Power Plan review proposal
- Data Dispatch: Utility asset growth slowed increase YOY from 2015
- Perry: LNG exports to Poland, Netherlands underscore 'unique role' of US

SNL Canada Energy Week

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TOP HEADLINES

- Fortis CEO says his eyes are still on US M&A, but being patient for now
- Senators ask trade representative to preserve free energy flows in NAFTA redo
- Climate activist convicted of tampering with oil pipe valve, faces prison time

- SaskEnergy shutting residential gas lines due to shifting ground
- BC New Democratic Party leader warns power utility on evictions, new contracts

SNL Electric Transmission Week

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TOP HEADLINES

- PJM lays out resilience road map, next steps for fuel diversity study
- Fortis CEO says his eyes are still on US M&A, but being patient for now
- MarketWeek: Oncor public offering 'path of least resistance,' M&A favored by EFH creditors
- Wary of 'gold plating,' California to issue guidance on grid modernization
- Update: Senate committee votes to advance Trump's FERC picks

SNL Electric Utility Report

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TOP HEADLINES

- Fortis CEO says his eyes are still on US M&A, but being patient for now
- Wary of 'gold plating,' California to issue guidance on grid modernization
- Experts: Predictable parties working to meet Paris goals, but will it be enough?
- Governors, cities and businesses promise leadership after Paris exit
- Calif. Assembly defeats cap-and-trade extension, expansion

Financial Focus Company Reports

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SNL Daily Coal Report

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TOP HEADLINES

- Forest Service releases draft EIS for Arch's proposed West Elk mine expansion
- Coal sector watchers looking for clarity on met coal pricing in 'next few days'
- Enviros ask court to scrap approval of Cloud Peak mine expansion
- US thermal coal prices show little movement as bearish fundamentals persist
- EPA advances Clean Power Plan review proposal

SNL Coal Report

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TOP HEADLINES

- Met coal producers reportedly struggle to find miners as demand ticks up
- Obstacles against coal still stacked after Trump's Paris climate deal dump
- EPA: Pruitt meant 'mining' jobs, not 'coal' jobs up 50,000 under Trump
- Paris withdrawal adds to carbon capture challenges from administration
- MSHA meets with stakeholders as coal fatalities accelerate in 2017

SNL Daily Gas Report

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TOP HEADLINES

- More US LNG could be headed to Dubai if Qatar rift drags on
- Concerns about contractor building Cameron LNG fuel pessimism for Sempra
- Court respects FERC enforcement in $226M market manipulation case against Total
- FERC authorizes service on 1st phase of 1.1-Bcf/d Sabal Trail pipeline
- Perry: LNG exports to Poland, Netherlands underscore 'unique role' of US

SNL Gas Week

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TOP HEADLINES

- Here comes the boom: 9 Bcf/d of LNG capacity to hit US market by end of 2019
- Update: Senate committee votes to advance Trump's FERC picks
- New England energy woes require 'triad' of pipes, LNG, alternative fuels
- Data Dispatch: Large investors held tight in Q1 as midstream energy weathered low oil prices
- What a US withdrawal from the Paris climate deal means for energy

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To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: AC Global Energy Center
Sent: Mon 6/12/2017 1:40:09 AM
Subject: Global Energy Center Weekly News Roundup | June 11, 2017

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June 11, 2017

SUBSCRIBE

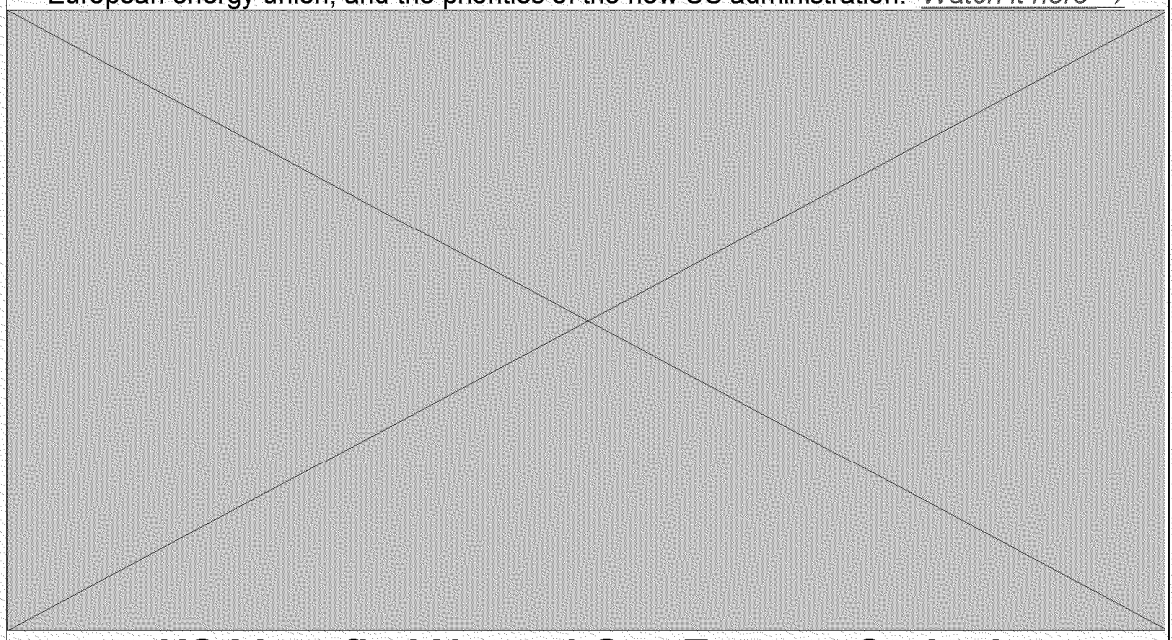
Welcome to the Atlantic Council Global Energy Center's weekly news roundup. The Global Energy Center works to address the energy-related geopolitical, environmental, security, and economic challenges in a world in transition.

Please subscribe below and share with your colleagues if you would like to continue to receive a weekly roundup of the Global Energy Center's media mentions, analysis, and events.

Energy Security in Central & Eastern Europe: New Challenges and Opportunities Conference

@ACGlobalEnergy

On Wednesday, June 7, the Global Energy Center convened a half-day conference on Central and Eastern European energy security at the Atlantic Council headquarters in Washington, DC. Panelists addressed the implications of the changing global LNG market, the progression of a European energy union, and the priorities of the new US administration. *Watch it here →*

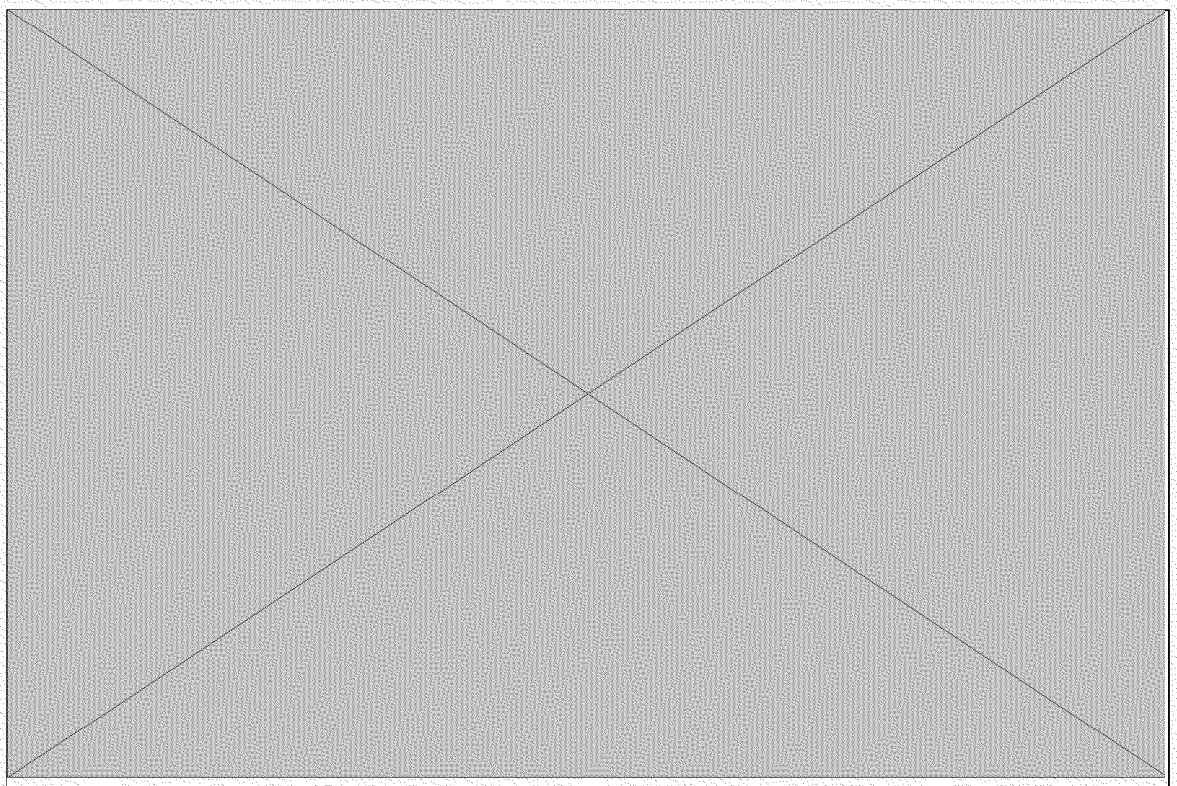


US Liquefied Natural Gas Exports Outlook

Bud Coote

In an issue brief on the current status and future of LNG, *US Liquefied Natural Gas Exports Outlook,* Atlantic Council Senior Fellow and former leading CIA analyst Bud Coote concludes that US LNG exports contribute to security and prosperity. Potential growth in global gas demand provides opportunity for US exports to reach new markets, an opportunity that Coote concludes could be better capitalized on by simplifying and shortening the LNG export approval process.

This report follows Coote's January 2016 report, *Surging Liquefied Natural Gas Trade*, and builds on his previous work on LNG trade, natural gas markets, and the energy security implications of a growing global LNG trade. *Read More →*

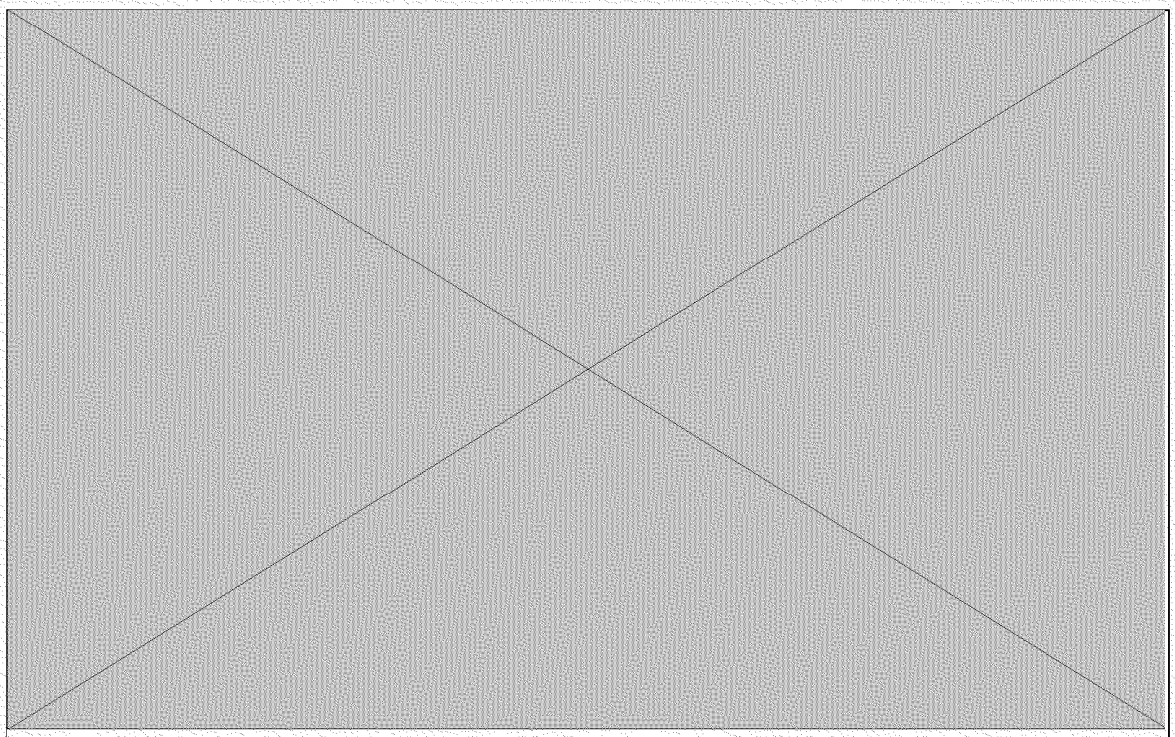


The United States is the Biggest Loser in Trump's Decision to Quit Paris Climate Pact

Robert F. Ichord, Jr.

US President Donald J. Trump's decision to withdraw from the Paris climate agreement is in line with his past denials of the reality of climate change, which he has called an "expensive hoax." His decision, however, will have grave consequences for the United States.

Supported by Environmental Protection Agency (EPA) Administrator Scott Pruitt, Trump has made clear his intention to scrap former US President Barack Obama's greenhouse-gas-emissions-reduction targets and to dismantle the Clean Power Plan. Moreover, Trump and Pruitt have also declared that the United States will renege on its $3-billion pledge to the Green Climate Fund. *Read More →*



Facebook Live Interview: H.E. Yiorgos Lakkotrypis, Cypriot Minister of Energy, Commerce, Industry, and Tourism

@EllenScholl and @GLakkotrypis

Watch Here →

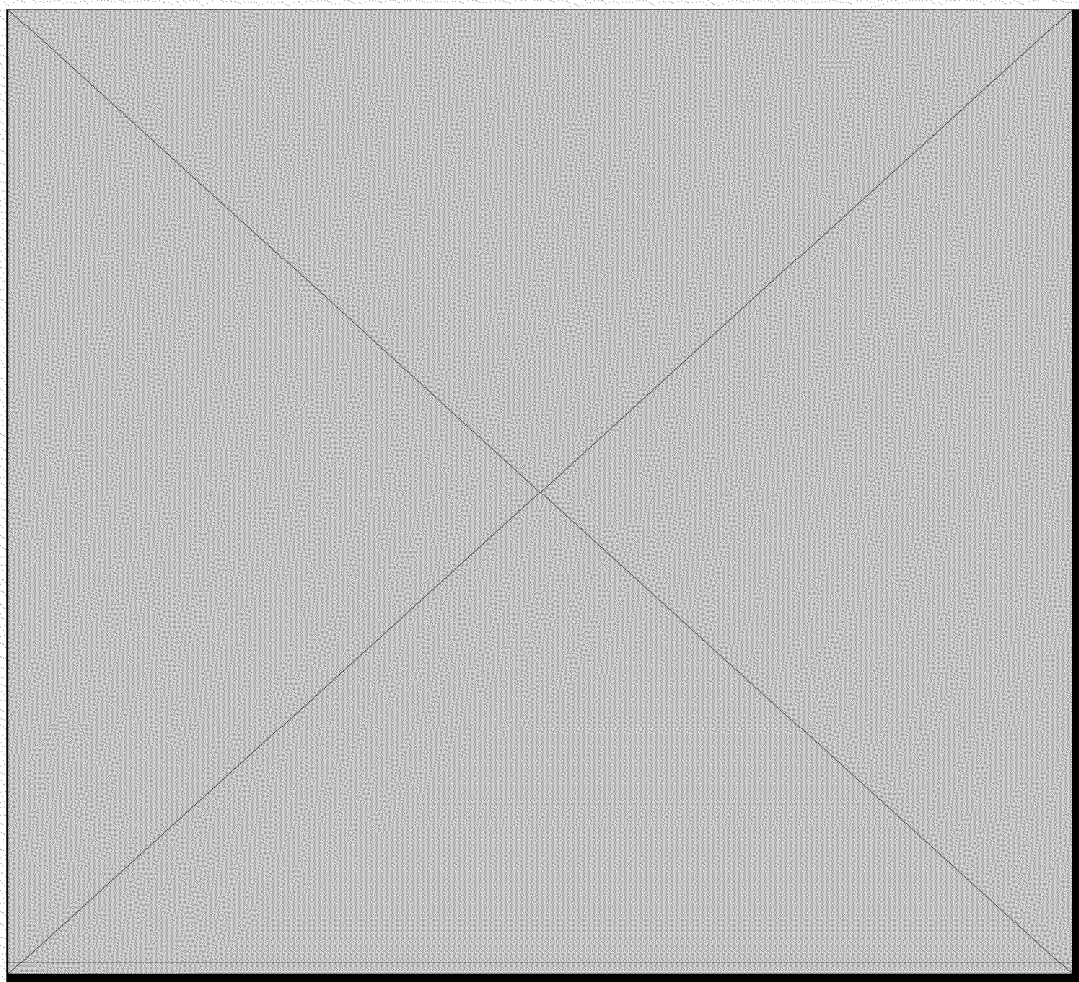
KNect365 Energy on the Impacts of US LNG Supplies in China and is interviewed by *LobeLog Foreign Policy*

Interfax's Natural Gas Daily on the competitiveness of US LNG.

- Ian Ralby is quoted in the *Manila Bulletin* on illicit fuel operations in the Philippines.

A Conversation with Meg Gentle, President & CEO, Tellurian Inc: The Role the US Can Play in the Global Gas Market | Monday, June 12, 12:00 - 1:30 p.m.

- US Launch: BP Statistical Review of World Energy 2017 | Thursday, June 15, 9:30 - 11:00 a.m.
- Naftogaz and the Future of Ukraine's Energy Sector | Monday, June 19, 3:30 – 5:00 p.m.



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Sent: Sat 6/10/2017 1:21:18 AM
Subject: SNL Evening Summary

MY SNL SUMMARY

News

TOP NEWS

Markets: Friday's Energy Stocks: Encana up 5% on gas assets deal
6/9/2017 5:58 PM ET -- Encana shares grew more than 5% after announcing a deal to sell its Piceance natural gas assets.

Calif. group favors alternatives to transmission lines to meet energy goals
6/9/2017 5:23 PM ET -- The Alliance for Desert Preservation is calling on California planners to look to means other than building utility-scale generation projects and transmission lines to meet the state's climate and renewable energy goals.

Policy think tank to update social cost of carbon as government retreats
6/9/2017 5:14 PM ET -- Resources for the Future has launched an initiative to update the social cost of carbon as the Trump administration plans to end its use in federal rulemaking.

FERC authorizes service on 1st phase of 1.1-Bcf/d Sabal Trail pipeline
6/9/2017 5:03 PM ET -- The Federal Energy Regulatory Commission allowed the first phase of the Sabal Trail pipeline project to enter service, a step toward 1.1 Bcf/d of new natural gas transportation capacity to serve power generation and other demand in Florida.

Encana's Piceance exit enables liquids-focused growth, analysts say
6/9/2017 4:50 PM ET -- Encana's move to sell off its assets in the Piceance Basin and focus on growth in its more liquids-heavy "core four" North American plays is meeting with approval from analysts.

PJM shares 2 methods for allocating costs of Artificial Island project
6/9/2017 4:49 PM ET -- PJM Interconnection shared two alternative approaches to allocate the costs of a $280 million transmission project helping to stabilize power flows in an area known as Artificial Island in southern New Jersey.

East, Midwest values surge as heat approaches
6/9/2017 4:37 PM ET -- Values across major next-day markets around the country were biased higher on Friday, June 9, with prices in the East and Midwest seeing significant gains prompted by forecasts of hot weather.

July natural gas ticks higher ahead of weekend break
6/9/2017 4:32 PM ET -- July natural gas futures struggled to hold the upside in the week's closing session.

Solar renewable energy credit markets in NJ climb again
6/9/2017 4:08 PM ET -- Solar renewable energy credit markets in New Jersey continued to climb during

the week ended June 9.

Perry: LNG exports to Poland, Netherlands underscore 'unique role' of US

6/9/2017 2:57 PM ET -- Poland on June 8 received its first cargo from Cheniere Energy's Sabine Pass terminal in Louisiana, and a shipment to the Netherlands marked the entrance of U.S. LNG into northern Europe.

Souki's Tellurian hires Wash. insider as LNG project seeks approval

6/9/2017 2:20 PM ET -- In a familiar move, a Charif Souki-backed LNG company is looking to the help of a Washington energy insider as it moves a Louisiana export project through the federal permitting process.

Transco to start service on 1st piece of Hillabee expansion

6/9/2017 2:18 PM ET -- Transcontinental Gas Pipe Line Co. secured authorization from Federal Energy Regulatory Commission staff to place part of the first phase of the Hillabee natural gas expansion project in service.

Concerns about contractor building Cameron LNG fuel pessimism for Sempra

6/9/2017 1:58 PM ET -- Concerned about collateral damage from Chicago Bridge & Iron's financial position, Barclays analysts revised their outlook for Sempra Energy given risks of potential construction delays and exposure from the $10 billion Cameron LNG export facility.

NERC urges inverter changes after Calif. fire downed solar generation

6/9/2017 1:55 PM ET -- A report by the North American Electric Reliability Corp. recommends changes to inverter settings and standards to avoid a solar power outage similar to one that occurred August 2016 as a result of a southern California wildfire.

Financial Focus: Utilities dip after Comey testifies, end the week down

6/9/2017 1:54 PM ET -- Otter Tail Corp. turned in a fourth consecutive week of gains and is up 1.3% year-to-date, compared with an average 8.5% gain for RRA-covered electric utilities.

The Coal Scoop: Coal is backdrop to Trump's infrastructure speech as export projections improve

6/9/2017 1:28 PM ET -- President Donald Trump's fondness for coal was evident again this week when a barge full of it served as the backdrop during his recent speech on infrastructure, and export projections of the fossil fuel are looking rosy.

Enviros ask court to scrap approval of Cloud Peak mine expansion

6/9/2017 12:35 PM ET -- Environmental groups are asking a federal court to set aside the approval of the expansion of a Cloud Peak Energy Inc. mine in Montana.

MarketWeek: Oncor public offering 'path of least resistance,' M&A favored by EFH creditors

6/9/2017 12:32 PM ET -- Now that NextEra's current effort to acquire Oncor has been halted by Texas regulators, there are several possible paths forward for the Dallas utility and its bankrupt majority owner.

The Gas Meter: New England feels gas pipeline squeeze

6/9/2017 12:20 PM ET -- Challenges continue to plague New England natural gas infrastructure development, with implications for pipeline companies, utilities and consumers.

Court respects FERC enforcement in $226M market manipulation case against Total

6/9/2017 12:10 PM ET -- A federal appeals court dropped a challenge by Total Gas & Power North America to the way the Federal Energy Regulatory Commission investigates alleged manipulation of natural gas markets, allowing the commission to continue.

EPA advances Clean Power Plan review proposal

6/9/2017 12:07 PM ET -- The U.S. Environmental Protection Agency advanced a proposed rule addressing the review of the Clean Power Plan to the Office of Management and Budget.

More US LNG could be headed to Dubai if Qatar rift drags on

6/9/2017 11:39 AM ET -- "Most of Dubai's LNG imports were coming from Qatar before, and so they'll have to replace them," Robin Mills, head of the Dubai-based consultancy Qamar Energy, said. "U.S. LNG is the most flexible LNG, even though it's quite a long way away."

Hires and Fires: Moves through June 8

6/9/2017 11:22 AM ET -- S&P Global Market Intelligence presents a weekly rundown of recent executive management, board and regulatory changes in the energy industry.

Latest Northeast carbon cap-and-trade program auction clears at $2.53/ton

6/9/2017 11:21 AM ET -- In the Regional Greenhouse Gas Initiative's second quarterly auction of the year, 100% of the 14,597,470 carbon dioxide allowances on offer were purchased at a clearing price of $2.53/ton.

Senators ask trade representative to preserve free energy flows in NAFTA redo

6/9/2017 10:56 AM ET -- Eight U.S. senators pressed U.S. Trade Representative Robert Lighthizer to keep oil, natural gas and electricity flows to and from Canada and Mexico free of restrictions as the

Trump administration looks to renegotiate NAFTA.
Best of SNL: Energy, most read: Eversource strikes unconventional water deal
6/9/2017 10:49 AM ET -- SNL Energy presents the most read stories for the week ended June 9.
US thermal coal prices show little movement as bearish fundamentals persist
6/9/2017 10:48 AM ET -- U.S thermal coal prices were mixed during the week ended June 8, as many headwinds facing domestic coal producers persisted.
Financial Focus: Wires, pipes and water: Eversource Energy looks to infrastructure for EPS growth
6/9/2017 10:26 AM ET -- Eversource Energy's strategy remains focused on growth opportunities including capital spending at the utility, and the build-out of electric transmission and natural gas infrastructure and utility-scale renewable energy capacity in New England.
Forest Service releases draft EIS for Arch's proposed West Elk mine expansion
6/9/2017 9:55 AM ET -- The U.S. Forest Service has produced a supplemental draft environmental impact statement on the controversial proposal for the expansion of a Arch Coal Inc. mine.
Data Dispatch: Utility asset growth slowed increase YOY from 2015
6/9/2017 9:55 AM ET -- Reported growth in production plant and transmission assets dropped from 2015 to 2016, while distribution asset growth remained flat.
Enbridge gets shipper support for C$1.5B expansion of Canadian gas assets
6/9/2017 8:29 AM ET -- Enbridge Inc. has garnered sufficient shipper support to underpin a pair of expansions on the Westcoast Energy Inc. natural gas network in British Columbia, which it acquired in its recently closed takeover of Spectra Energy.
The Daily Dose: Democrats threaten to block nominees; Federal funding critical to energy tech
6/9/2017 8:20 AM ET -- Also in today's edition: Fortis is not looking to rush into another U.S. acquisition; PHMSA is working through Trump's 2-for-1 deregulation order; and U.S. mine safety officials take new steps to curb mine fatalities.
Encana selling Piceance gas assets for $735M
6/9/2017 7:53 AM ET -- Encana Oil & Gas USA has agreed to sell its Piceance natural gas assets in the northwestern Colorado for $735 million in cash.
AM Power Report: Dailies could end week lifted by load outlooks
6/9/2017 6:39 AM ET -- The price of power for day-ahead delivery could end the workweek elevated Friday, June 9, amid the anticipation of higher demand coming off the weekend.
July gas futures continue higher on supportive weather
6/9/2017 6:37 AM ET -- After ending the prior session up 0.8 cent, NYMEX July natural gas futures extended gains overnight ahead of the Friday, June 9, open, amid lingering weather support.

CAPITAL MARKETS
NiSource declares results for tender offer
6/9/2017 3:23 PM ET -- NiSource has declared the final results of the cash tender offer made by NiSource Finance for its 6.125% notes due 2022.
Atmos closes senior note offering, netting $752M
6/9/2017 9:29 AM ET -- Atmos Energy Corp. completed its public offering of $500 million of 3% senior notes due 2027 and $250 million of 4.125% senior notes due 2044, which yielded $752 million in net proceeds.
Alliant Energy completes $125M at-the-market offering
6/9/2017 8:40 AM ET -- Alliant Energy completed the sale of 3.1 million common shares of its "At-the-Market" equity offering program for total gross proceeds of $125 million.

COMMODITIES
US rig count extends gains with increase in oil, gas rigs
6/9/2017 2:11 PM ET -- The total U.S. rig count extended higher yet again, increasing during the week ended June 9 by 11 to a total of 927.
Nuclear update: Susquehanna 1 scram pulls down US output
6/9/2017 1:10 PM ET -- Total U.S. nuclear plant availability dipped early June 9 to 90.89%, down from 91.55% on June 8 and also holding below the 95.11% reported on the same day in 2016.
Warming bolsters US gas demand to start June
6/9/2017 6:45 AM ET -- Warmer weather triggered an increase in total U.S. natural gas demand during the week ended June 7, as overall supply remained flat amid steady production, the U.S. Energy Information Administration said in its latest "Natural Gas Weekly Update."

INDUSTRY NEWS

Report: Northern Ireland Unionists back Theresa May to be UK prime minister
6/9/2017 5:41 AM ET -- Despite an electoral setback, Theresa May was set to continue as prime minister at the head of a minority government, after Northern Ireland's Democratic Unionist Party reportedly promised her backing.

MERGERS & ACQUISITIONS

Pension fund manager plans to boost stake in Invenergy Renewables
6/9/2017 12:11 PM ET -- CDPQ Investments Inc. is seeking the approval of the Federal Energy Regulatory Commission to boost its equity stake in Invenergy Renewables LLC, formerly known as Invenergy Wind LLC.
FERC approves First Solar's sale of stake in 2 Nev. solar facilities
6/9/2017 11:04 AM ET -- Under the deal, EDF Group subsidiary EDF Renewables will have authority to manage and control the facilities.

OPERATIONS & STRATEGY

Plains All American again extends crude pipe open season
6/9/2017 5:10 PM ET -- Plains All American Pipeline LP's subsidiary again extended its open season for committed crude oil pipeline capacity from the Permian Basin to Cushing, Okla., to run until 6 p.m. ET on June 9.
Duke Energy awards coal supply contract to Oxford Mining
6/9/2017 4:42 PM ET -- Oxford Mining signed a deal with Duke Energy Kentucky to provide 350,000 tons of coal through Dec. 31, 2018.
First Solar secures $64M loan facility for utility-scale projects in Japan
6/9/2017 9:52 AM ET -- First Solar signed a $64 million syndicated development loan facility agreement with Mizuho Bank for its utility-scale solar project pipeline in Japan.

POWER GRID

Indiana Michigan Power offers $146M plan to strengthen grid in 3 Mich. counties
6/9/2017 10:58 AM ET -- Indiana Michigan Power Co. is investing $146 million to ensure the reliability of the electric transmission system for customers in Van Buren, Berrien and Cass counties in Michigan.

PROJECT DEVELOPMENTS

Regulators approve Hawaiian Electric's request to extend EV charger program
6/9/2017 10:16 AM ET -- Hawaiian Electric Industries Inc.'s utility subsidiaries secured approval from state regulators to extend for another five years a program designed to encourage ownership of plug-in electric vehicles.
SCE&G launches 16-MW community solar project
6/9/2017 10:07 AM ET -- South Carolina Electric & Gas Co. announced June 8 the launch of a 16-MWac community solar project to provide solar power to customers who do not have their own rooftop solar panels.

REGULATION, POLICY & LAW

Fla. regulators postpone Duke's fuel recovery rate increase
6/9/2017 2:47 PM ET -- Florida regulators on June 5 postponed a rate increase sought by Duke Energy Florida for what the utility said would be a midcourse correction to its fuel cost recovery factor.
Group: PJM cannot allow states to block energy efficiency from PJM market
6/9/2017 2:29 PM ET -- A energy efficiency group has asked the Federal Energy Regulatory Commission to confirm that retail regulators cannot prevent certain energy efficiency resources from participating in wholesale power markets.
RI House passes bill to stop charging renewables owners for grid updates
6/9/2017 2:06 PM ET -- Rhode Island's House of Representatives passed legislation to prohibit National Grid and utilities from charging owners of renewable energy projects for system modifications not directly related to the customers' interconnections.
FERC approves Capital Power acquisition of 795-MW Ala. plant
6/9/2017 1:00 PM ET -- The Federal Energy Regulatory Commission approved Capital Power's acquisition of the 795-MW Decatur combined-cycle power plant in Morgan County, Ala.

RRA NEWS

RRA Regulatory Focus: NH governor enacts legislation to study electricity costs
6/9/2017 12:13 PM ET -- New Hampshire Gov. Chris Sununu signed into law on June 2, Senate Bill 125, legislation that establishes a five-member committee to study transmission, distribution, generation and other costs in the state's electricity system.
RRA Regulatory Focus: Northern Utilities seeks gas rate hike and multiyear plan in New Hampshire
6/9/2017 10:41 AM ET -- Northern Utilities seeks $4.7 million gas rate increase and multiyear rate plan in New Hampshire.
RRA Regulatory Focus: Settlement filed regarding Liberty Utilities interim gas rates in NH
6/9/2017 10:11 AM ET -- On June 2, Liberty Utilities (Energy North Natural Gas), the New Hampshire Public Utilities Commission and the Office of Consumer Advocate reached a settlement regarding interim gas rates.

Upcoming Events

EXPECTED EARNINGS RELEASES
No upcoming expected earings releases have been posted since your last summary was sent.

CONFERENCE CALLS
No upcoming conference calls have been posted since your last summary was sent.

COMPANY MEETINGS
No upcoming company meetings have been posted since your last summary was sent.

INDUSTRY CONFERENCES

APPA's National Conference	6/16/2017 - 6/21/2017
IEEE PES PowerTech Manchester 2017	6/18/2017 - 6/22/2017
EMI Energy Trading Fundamentals	6/19/2017 - 6/20/2017
WEI Power Quality School	6/19/2017 - 6/23/2017
ACORE 14th Renewable Energy Finance Forum-Wall Street	6/20/2017 - 6/21/2017
Euromoney 14th Renewable Energy Finance Forum Wall Street	6/20/2017 - 6/21/2017
S&P Global Platts 14th Annual Bunker & Residual Fuel Conference	6/20/2017 - 6/21/2017
Wells Fargo 2nd Annual West Coast Energy Conference	6/20/2017 - 6/21/2017
DUG East	6/20/2017 - 6/22/2017
EMI Physical Natural Gas Trading	6/21/2017 - 6/22/2017
SunTrust Robinson Utilities & Power Summit	6/21/2017 - 6/22/2017
Knowledge Center Analyst Training in the Power and Gas Sectors	6/21/2017 - 6/23/2017
UBS Utilities 1x1 Conference	6/22/2017 - 6/22/2017
S&P Global Platts Transmission Planning & Development Conf	6/22/2017 - 6/23/2017
MACRUC 22nd Annual Education Conference	6/25/2017 - 6/28/2017
EIA 2017 Energy Conference	6/26/2017 - 6/27/2017
EMI Physical Natural Gas Trading	6/26/2017 - 6/27/2017
JPMorgan Energy Equity Investor Conference	6/26/2017 - 6/28/2017
ASME Power & Energy Conference	6/26/2017 - 6/30/2017
CoBank 2017 Energy Directors Conference	6/27/2017 - 6/29/2017
IETA Africa Carbon Forum (ACF) 2017	6/27/2017 - 6/30/2017

New Events

EXPECTED EARNINGS RELEASES

Ferrellgas LP	6/15/2017
Colonial Gas Co.	7/11/2017
USAC	7/21/2017
TLLP	7/22/2017
Idaho Power Co.	7/28/2017
POR	7/28/2017
Public Service Electric Gas	7/28/2017
NYLD.A	8/1/2017

UGI Utilities Inc.	
Vectren Utility Holdings Inc.	8/2/2017
D	8/3/2017
Diamond Offshore Drilling Inc.	8/3/2017
EE	8/3/2017
Kentucky Utilities Co.	8/3/2017
LG&E and KU Energy LLC	8/3/2017
NFG	8/3/2017
Northern States Power Co - WI	8/3/2017
BEP.UN	8/4/2017
Entergy New Orleans Inc.	8/4/2017
LNT	8/4/2017
OGE	8/5/2017
SRE	8/5/2017
MXG	8/6/2017
ATLS	8/7/2017
HNRG	8/7/2017
Texas-New Mexico Power Co.	8/9/2017
Union Gas Ltd.	8/10/2017
NBLX	8/11/2017
PUD No 1 of Snohomish County	8/17/2017
BLX	5/9/2018
BLX	8/10/2018
BLX	11/9/2018

CONFERENCE CALLS

No new conference calls have been posted since your last summary was sent.

COMPANY MEETINGS

Veresen Inc. (VSN) 7/11/2017 12:00 PM ET
Special

INDUSTRY CONFERENCES

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To: Eck, Janet[Eck.Janet@epa.gov]
Cc: Culligan, Kevin[Culligan.Kevin@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]
Sent: Mon 6/5/2017 1:15:55 PM
Subject: RE: CPP Repeal OMB Pkg

Thanks, Janet. I'm back in the office.

Do we need to request a docket?

From: Eck, Janet
Sent: Friday, June 02, 2017 3:32 PM
To: Rush, Alan <Rush.Alan@epa.gov>
Cc: Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: CPP Repeal OMB Pkg

Hi Alan, Attached is the Repeal of Carbon Dioxide Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units (SAN 5548.7) for OMB review. Please forward to OP for upload into ROCIS. Thanks.

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
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PUBLICATIONS SUMMARY

SNL Energy Finance Daily

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TOP HEADLINES

- MarketWeek: PJM results highlight IPP positioning in premium zones
- The Communicator: Hard data on municipal broadband networks
- Analysts detect oil, gas M&A shift away from Permian
- US Q1 GDP revised upward
- GOP candidate narrowly wins Mont. special election

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TOP HEADLINES

- Facing a drop-off, the US wind industry looks for new wings
- MarketWeek: PJM results highlight IPP positioning in premium zones
- EPA seeks comment on efforts to delay effluent rule
- Pipeline applications to be among top priorities of reconstructed FERC
- Report: Trump adviser says natural gas 'such a cleaner fuel' than coal

SNL Canada Energy Week

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TOP HEADLINES

- Canada proposes nationwide methane emissions rules for oil, gas sector
- Moody's: 'Canadian acquisition spree' will continue
- Kinder Morgan makes investment decision for Trans Mountain, prices Canadian IPO

- LNG Canada asks for more time to begin exporting as project waits
- 'Repetitive and groundless': NEXUS rejects Sierra Club attempt to delay project

SNL Electric Transmission Week

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TOP HEADLINES

- White House budget contrasts with call for boosting baseload power
- Grid modernization efforts aid clean energy deployments
- Q&A: Top Calif. energy official seeks answers to 'calamitous competition'
- Data Dispatch: Utilities continue to increase CapEx in 2017
- Sensitive ERCOT information revealed through power-industry software vendor

SNL Electric Utility Report

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TOP HEADLINES

- White House budget contrasts with call for boosting baseload power
- Lower-than-predicted PJM capacity auction results offer some surprises
- 1st shoe drops in attempt to restructure Ohio electricity market
- Mich. lawmaker plans bill to allow more customers to choose power providers
- Calif. utilities press case on 'unchecked' costs of retail choice

SNL Generation Markets Week

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TOP HEADLINES

- FERC nominee dodges climate change question during Senate confirmation hearing
- SolarWorld joins trade case seeking 'fair market conditions'
- CEO: Westinghouse will emerge "stronger" from bankruptcy
- Q&A: Top Calif. energy official seeks answers to 'calamitous competition'
- Scientists put EPA chief's climate claims to the test

Financial Focus Topical Special Reports

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SNL Daily Coal Report

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TOP HEADLINES

- Central Appalachian coal prices continue higher
- Coal industry hopeful after Gianforte wins Montana House seat
- Report: Trump adviser says natural gas 'such a cleaner fuel' than coal
- Former coal CEO asks Supreme Court to revisit his conviction post-prison
- MSHA issues 92 citations, 1 order and 2 safeguards in April

SNL Coal Report

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TOP HEADLINES

- Trump's budget proposal slashes clean coal investment by 85%
- Q&A: New Colombia poised to take advantage of infrastructure, changing country
- CEO: Maintaining discipline in coal, but 'you can't run any company out of fear'
- Coal lobbying expenditures largely flat as Trump administration gets underway
- Trump does little to ease Clean Power Plan repeal, says energy legal advocate

SNL Daily Gas Report

Download:

- Pipeline applications to be among top priorities of reconstructed FERC
- Kinder Morgan makes investment decision for Trans Mountain, prices Canadian IPO
- Startup for 1st phase of Rover Pipeline delayed after FERC denial
- Rising NGL prices entice Appalachian drillers to wade further into liquids
- Analysts detect oil, gas M&A shift away from Permian

SNL Gas Week Download:

TOP HEADLINES

- Pipeline applications to be among top priorities of reconstructed FERC
- Q&A: The story behind the modern natural gas industry's boldest prediction
- With FERC quorum in sight, nominees assure senators of support for gas projects
- Extension of OPEC production cuts seen as boost for midstream MLPs
- Moody's: 'Canadian acquisition spree' will continue

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Sent: Sat 5/27/2017 1:18:22 AM
Subject: SNL Evening Summary

MY SNL SUMMARY

News

TOP NEWS

Markets: Friday's Energy Stocks: Energy indexes dip ahead of long weekend
5/26/2017 6:03 PM ET -- Broader markets ended the week largely unchanged from the previous day, while energy indexes saw a clear decline.

US government watchdog agency releases report on restarting Yucca Mountain
5/26/2017 5:40 PM ET -- The U.S. Government Accountability Office has released a report assessing how the licensing process for an unfinished permanent nuclear waste storage facility in Nevada can be restarted and proceed to completion.

Former Ariz. utilities regulator indicted on bribery charges
5/26/2017 4:39 PM ET -- A federal grand jury has indicted former Arizona Corporation Commission Chairman Gary Pierce on charges of taking bribes in exchange for the commissioner's vote to increase customer rates of a small water and sewer utility.

The Week In Energy: May 22-26: Trans Mountain funding set; PJM auction results disappoint
5/26/2017 4:38 PM ET -- A brief look back at successes and setbacks in the energy industry.

Hires and Fires: Moves through May 25
5/26/2017 4:19 PM ET -- S&P Global Market Intelligence presents a weekly rundown of recent executive management, board and regulatory changes in the energy industry.

June natural gas ticks higher into expiration
5/26/2017 3:56 PM ET -- June natural gas futures ticked higher, as traders squared books ahead of the contract's expiration at the close of business Friday, May 26.

Power dailies enter holiday weekend biased higher
5/26/2017 3:47 PM ET -- Amid expectations of elevated demand after the Memorial Day holiday weekend, next-day power markets in the U.S. favored gains on Friday, May 26.

Minn. groups oppose exemptions for small utilities in budget bill
5/26/2017 3:35 PM ET -- Small cooperatives and municipal utilities could be exempt from having to meet a 1.5% energy savings goal in Minnesota under the latest energy omnibus bill awaiting the governor's signature.

New Jersey says permit for PennEast Pipeline still up in the air
5/26/2017 3:19 PM ET -- A New Jersey agency told the Federal Energy Regulatory Commission that it cannot say when it might issue a wetlands permit for the 120-mile PennEast Pipeline Co. natural gas pipeline project until the company provides more information on the route.

2017 seasonal nitrogen oxide prices retreat after recent rally
5/26/2017 2:49 PM ET -- Following a recent rally, seasonal nitrogen oxide emissions allowances under the Cross-State Air Pollution Rule tumbled heading into the end of May.
Sabine Pass ready to introduce feed gas to train 4 at LNG export terminal
5/26/2017 1:42 PM ET -- Cheniere sought similar authorization for train 3 on Oct. 26, 2016, and received permission on Nov. 8, 2016. The third train officially entered service on March 21.
Financial Focus: Utilities strong heading into holiday weekend
5/26/2017 1:19 PM ET -- Otter Tail Corp. gained 5.8% during the week ended midday Friday and was among the top performing utilities. Year-to-date however, Otter Tail is down 2.6%.
Startup for 1st phase of Rover Pipeline delayed after FERC denial
5/26/2017 1:16 PM ET -- Federal Energy Regulatory Commission staff denied Rover Pipeline LLC's request to resume drilling activities for its natural gas pipeline project.
EPA seeks comment on efforts to delay effluent rule
5/26/2017 1:02 PM ET -- The U.S. Environmental Protection Agency has taken official steps to postpone deadlines associated with the effluent guidelines for steam electric power plants.
Best of SNL: Energy most read: PJM capacity auction price for RTO clears 24% lower
5/26/2017 12:55 PM ET -- SNL Energy presents the most read stories for the week ended May 26.
The Coal Scoop: Trump slashes clean coal research investment, mine reclamation funds
5/26/2017 12:51 PM ET -- Despite the president's rhetoric supporting coal, the proposed budget he released this week slashes funding for clean coal research and mine reclamation, and an energy lawyer said his election has not made repealing the Clean Power Plan any easier.
Best of SNL: Energy editors' picks: PJM capacity auction results offer some surprises
5/26/2017 12:50 PM ET -- SNL Energy editors' picks for the best stories for the week ended May 26.
Analysts detect oil, gas M&A shift away from Permian
5/26/2017 12:47 PM ET -- With prices in the Permian Basin increasing at staggering rates, a geographical shift in oil and gas M&A focus may be underway as areas such as the Powder River Basin, the DJ Basin and Appalachia draw interest.
Facing a drop-off, the US wind industry looks for new wings
5/26/2017 12:36 PM ET -- Brandishing a "brand new attitude," the U.S. wind industry gathered in Anaheim, Calif., for its annual conference with bold promises to grow beyond 2020, after the federal production tax credit expires.
Central Appalachian coal prices continue higher
5/26/2017 12:33 PM ET -- U.S. thermal coal prices were mixed in the week ended May 25, with rail-delivered Central Appalachian coal prices heading higher and Powder River Basin coal prices easing lower.
Groups urge EPA's Pruitt to keep methane rule, citing air, market benefits
5/26/2017 12:13 PM ET -- Emphasizing near-term health impacts and economic motivators, dozens of groups asked the U.S. Environmental Protection Agency to keep methane emissions rules in place for the oil and gas industry.
The Gas Meter: FERC looks to new commissioners for new life
5/26/2017 11:54 AM ET -- While a Senate committee reviews nominees who could give the Federal Energy Regulatory Commission a voting quorum again, FERC's chairman and staff prepare for the new commissioners and the large workload they will all have to tackle.
MarketWeek: PJM results highlight IPP positioning in premium zones
5/26/2017 11:49 AM ET -- Results in the latest PJM Interconnection capacity auction highlight the strategic positioning of major power generators in more lucrative markets, helping to offset weaker capacity revenues stripping returns across the broader grid.
Rising NGL prices entice Appalachian drillers to wade further into liquids
5/26/2017 11:47 AM ET -- Spurred by escalating natural gas liquids prices, some Appalachian producers plan to give their full-year 2017 revenue a boost by stripping NGLs out of their production streams and selling them separately.
Former coal CEO asks Supreme Court to revisit his conviction post-prison
5/26/2017 10:59 AM ET -- Former Massey Energy CEO Don Blankenship has filed a petition to the U.S. Supreme Court to review a misdemeanor conviction of conspiracy to violate mine safety laws.
The Communicator: Hard data on municipal broadband networks
5/26/2017 10:40 AM ET -- There is a dearth of good data around municipal broadband networks, and the data that is available raises some tough questions.
Data Dispatch: 2 gas-fired plants lead April capacity additions
5/26/2017 10:06 AM ET -- Two large gas-fired plants comprised most of the new generating capacity

added in the U.S. in April.
Bill to require NJ to re-enter RGGI passed by both houses, heads to governor
5/26/2017 9:32 AM ET -- By a vote of 23-15, the New Jersey Senate on May 25 passed a bill that would require New Jersey to re-enter the Regional Greenhouse Gas Initiative.
Cut extension agreed, OPEC/non-OPEC coalition faces tough path of compliance
5/26/2017 9:29 AM ET -- The deal, under which the producers will cut a combined 1.8 million bbl/d through March 2018, was intended to calm the market. Instead, it has generated doubts over the coalition's lack of strategy from the cuts amid resilient U.S. shale production.
US Q1 GDP revised upward
5/26/2017 8:53 AM ET -- The U.S. economy expanded at an annual rate of 1.2% in the first quarter, down from 2.1% in the fourth quarter of 2016, but higher than the initial first-quarter 2017 estimate of 0.7% growth.
Pipeline applications to be among top priorities of reconstructed FERC
5/26/2017 8:42 AM ET -- Chairman Cheryl LaFleur keeps a red file on her desk for her replacement, filled with notes about the massive workload that will press down on the Federal Energy Regulatory Commission when it regains quorum later this year.
The Daily Dose: FERC nominee dodges climate change query; Coal lobbying expenditures flat
5/26/2017 8:20 AM ET -- Also in today's edition: The U.S. Department of Energy endorses three Obama-era efficiency rules; Trump's proposal to sell 270 million barrels of oil prompts debates; and a clean air advocate seeks $1.3 million in a defamation lawsuit.
Kinder Morgan makes investment decision for Trans Mountain, prices Canadian IPO
5/26/2017 7:39 AM ET -- Kinder Morgan Inc. will move forward with the Trans Mountain Expansion project after wrapping up the indirect subsidiary Kinder Morgan Canada Ltd.'s IPO of 102.9 million shares at a price of C$17 per unit.
AM Power Report: Dailies could vary ahead of Memorial Day holiday weekend
5/26/2017 7:22 AM ET -- Power dailies could end the workweek jumbled Friday, May 26, as varied demand expectations through and coming off the long Memorial Day holiday weekend combine with recent volatility in natural gas futures.
June natural gas posts gains ahead of contract expiration
5/26/2017 7:14 AM ET -- After extending 2.5 cents lower on May 25 to settle at $3.184/MMBtu, NYMEX June gas climbed overnight ahead of the Friday, May 26, open amid technical buying and short-covering leading up to the contract's roll off the board at the close of business.

CAPITAL MARKETS
Nevada Power secures loans from pollution control bonds
5/26/2017 10:40 AM ET -- Nevada Power Co. on May 25 announced that it has entered into agreements with several local entities for loans related to the proceeds from pollution control revenue bonds.
Targa prices common share offering for Permian-to-Mont Belvieu NGL pipe project
5/26/2017 9:01 AM ET -- Targa Resources priced its public offering of 17,000,000 common shares at $46.10 per share, which is expected to yield net proceeds of about $777.3 million, or $893.9 million upon full exercise of the underwriters' overallotment option.

COMMODITIES
US total rig count continues to climb, tops 900
5/26/2017 2:22 PM ET -- During the week ended May 26, the total U.S. rig count continued to gain ground, rising by seven to a total of 908, its highest level since the week ended April 24, 2015, Baker Hughes data released May 26 shows.
Nuclear update: Limerick 2 restarts; 2 reactors ramp up
5/26/2017 12:53 PM ET -- Total U.S. nuclear plant availability rose above the 87% level early May 26 to 87.03%, up from 86.48% on May 25 but still lower than the 91.25% reported on the same day last year.
US gas demand, supply unchanged versus prior week
5/26/2017 8:15 AM ET -- Natural gas demand and supply in the U.S. were flat during the week that ended May 24, the U.S. Energy Information Administration said in its latest "Natural Gas Weekly Update."

IN THE BOARDROOM
Sanchez Production Partners to change name to Sanchez Midstream Partners
5/26/2017 6:11 PM ET -- Sanchez Production Partners LP and its general partner Sanchez Production Partners GP LLC are changing their names to Sanchez Midstream Partners LP and Sanchez

Midstream Partners GP LLC, respectively, both effective after market on June 2.

MERGERS & ACQUISITIONS

Invenergy picks GE Renewable to supply turbines for Texas wind farm

5/26/2017 2:58 PM ET -- Invenergy selected GE Renewable Energy to supply its GE2.5-116 90-meter turbines for Invenergy's wind farm in Reagan County, Texas.

Brookfield's proposed TerraForm Power deal heads to FERC

5/26/2017 9:37 AM ET -- Brookfield Asset Management Inc., through its Orion US Holdings 1 LP subsidiary, is seeking approval from the Federal Energy Regulatory Commission to acquire 51% of class A common stock of TerraForm Power Inc.

OPERATIONS & STRATEGY

Alterra Power inks power hedge agreement for wind facility

5/26/2017 12:38 PM ET -- Construction will begin after financing and partnership arrangements for the Texas-based wind project are completed in the coming weeks.

PERSONNEL

Callon Petroleum chairman/CEO dies; CFO appointed as replacement

5/26/2017 4:27 PM ET -- Callon Petroleum Co. Chairman and CEO Fred Callon on May 24 died "suddenly and unexpectedly," prompting the company to name Joe Gatto as the new CEO.

Spark Energy shareholders elect director

5/26/2017 12:28 PM ET -- At its May 25 annual meeting, Spark Energy Inc. shareholders elected James Jones II as a class III director for a three-year term expiring in 2020.

El Paso Electric raises dividend, appoints directors and executives

5/26/2017 12:14 PM ET -- The El Paso Electric Co. board increased the company's quarterly cash dividend to 33.5 cents per share from 31 cents per share, according to a May 26 filing. The new dividend will be payable on June 30 to shareholders of record as of June 16.

Alliant shareowners elect board members

5/26/2017 10:46 AM ET -- Chairman, President and CEO Patricia Kampling, Patrick Allen, Singleton McAllister and Susan Whiting will serve on the Alliant Energy board until 2020.

ONEOK, ONEOK Partners name new CFO, COO

5/26/2017 8:59 AM ET -- ONEOK and master limited partnership ONEOK Partners realigned their management team to consolidate reporting responsibilities, with Walter Hulse III named CFO and Kevin Burdick to become COO.

POWER GRID

Tecogen, WGL Energy to build 700-kW combined heat and power plant in New York

5/26/2017 2:10 PM ET -- Tecogen and WGL Energy Systems have announced a partnership to build a 700-kW combined heat and power plant for a multi-unit residential complex in Manhattan, N.Y.

PROJECT DEVELOPMENTS

Innergex's 2 wind farms in France reach commercial operation

5/26/2017 3:43 PM ET -- Innergex Renewable Energy's two recently acquired wind farms have achieved commercial operation.

RATES & TARIFFS

Avista files $61.4M general electric rate request in Washington

5/26/2017 5:57 PM ET -- Avista Corp. announced that its utility subsidiary filed for a $61.4 million general rate increase for electric customers in Washington state.

Alberta proposes legislation capping electricity supply rates for 4 years

5/26/2017 1:49 PM ET -- Vastly variable electricity costs in the province of Alberta would be brought under control by a rate cap, if new legislation is approved.

RATINGS & RESEARCH

Jefferies initiates coverage of Alliant at 'hold'

5/26/2017 12:26 PM ET -- Jefferies noted that while challenges exist in the company's load growth outlook, regulators in Iowa and Wisconsin seem broadly supportive of Alliant's CapEx plans.

REGULATION, POLICY & LAW

Texas, Alabama pass state resolutions in support of carbon capture
5/26/2017 2:38 PM ET -- State legislatures in Alabama and Texas have passed resolutions urging Congress to extend tax credits to support carbon capture technologies.
GenOn, NRG, noteholders extend time to negotiate debt restructuring
5/26/2017 1:38 PM ET -- GenOn Energy, NRG Energy and bondholders are extending until May 31 a consent agreement allowing for negotiations over restructuring debt at GenOn and GenOn Americas Generation.

RENEWABLES
Consumers Energy collaborates with SunPower for new pilot program in Michigan
5/26/2017 3:06 PM ET -- Consumers Energy is partnering with SunPower for a new solar energy pilot program in Michigan.
Innergex energizes hydroproject in British Columbia
5/26/2017 12:51 PM ET -- The 25.3-MW Boulder Creek hydroelectric facility in British Columbia has reached commercial operation.

RRA NEWS
RRA Regulatory Focus: Nev. Assembly passes legislation that would increase RPS
5/26/2017 4:30 PM ET -- The Nevada Assembly passed legislation on May 24 that would increase the state's renewable portfolio standard.
RRA Regulatory Focus: Del. PSC approves settlement, electric rate increase authorized for Delmarva
5/26/2017 10:58 AM ET -- During a May 23 commission meeting, the Delaware PSC adopted a proposed order authorizing Delmarva Power and Light a $31.5 million electric distribution rate increase.
RRA Regulatory Focus: New PNM rate settlement includes amended San Juan plant/rate design provisions
5/26/2017 8:25 AM ET -- Public Service Company of New Mexico and certain parties file a revised settlement May 23 calling for a $62.3 million, two-step base rate increase.

Upcoming Events

EXPECTED EARNINGS RELEASES
No upcoming expected earings releases have been posted since your last summary was sent.

CONFERENCE CALLS
No upcoming conference calls have been posted since your last summary was sent.

COMPANY MEETINGS

Pacific Gas and Electric Co. Annual Shareholder	5/30/2017 1:00 PM ET
PG&E Corp. (PCG) Annual Shareholder	5/30/2017 1:00 PM ET
Southern California Gas Co. Annual Shareholder	5/30/2017 1:00 PM ET

INDUSTRY CONFERENCES

RBC Global Energy Conference	6/5/2017 - 6/6/2017
TradeFair LDC 22nd Annual Northeast Forum	6/5/2017 - 6/7/2017
Bank of America Merrill Lynch 2017 Energy Credit Conference	6/6/2017 - 6/6/2017
Credit Suisse Global Energy Conference	6/6/2017 - 6/7/2017
Desjardins Energy Conference	6/6/2017 - 6/7/2017
OPIS 2nd Annual Mexico- U.S. LPG Congress	6/6/2017 - 6/7/2017
Deutsche Bank Global Industrials & Materials Summit	6/7/2017 - 6/8/2017
EMI Physical Natural Gas Trading	6/7/2017 - 6/8/2017
National Bank Financial's Canadian Energy Infrastructure Conf	6/8/2017 - 6/8/2017
Macquarie Canadian Energy Conference	6/8/2017 - 6/9/2017

EEI Annual Convention	
IECA 25th Annual Canadian Conference	6/11/2017 - 6/14/2017
EMI Power & Natural Gas Fundamentals	6/12/2017 - 6/13/2017
Infocast Microgrids Meet the Markets 2017	6/12/2017 - 6/14/2017
Citigroup 2017 Industrials Conference	6/13/2017 - 6/14/2017
Credit Suisse 2017 Private Energy Conference	6/14/2017 - 6/14/2017
Credit Suisse 4th Annual Australian Energy Conference	6/14/2017 - 6/15/2017
EMI Fundamentals of Power Trading	6/14/2017 - 6/15/2017
EMI Technical Analysis	6/14/2017 - 6/15/2017
Jefferies Small/Mid Cap Power Utilities Summit	6/15/2017 - 6/15/2017
Stifel Industrials Conference	6/15/2017 - 6/15/2017
Marcum MicroCap Conference	6/15/2017 - 6/16/2017
Moody's Valuation and Credit in the Energy Sector	6/15/2017 - 6/16/2017
Solarplaza Unlocking Solar Capital: Latam	6/15/2017 - 6/16/2017
APPA's National Conference	6/16/2017 - 6/21/2017

New Events

EXPECTED EARNINGS RELEASES
No new expected earings releases have been posted since your last summary was sent.

CONFERENCE CALLS
No new conference calls have been posted since your last summary was sent.

COMPANY MEETINGS
No new company meetings have been posted since your last summary was sent.

INDUSTRY CONFERENCES
No new industry conferences have been posted since your last summary was sent.

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Subject: SNL Evening Summary

MY SNL SUMMARY

News

TOP NEWS

Markets: Wednesday's Energy Stocks: NRG, Dynegy shares gain after PJM auction results
5/24/2017 6:34 PM ET -- Merchant generators NRG Energy and Dynegy shares gained on Wednesday, a day after the PJM Interconnection posted auction results.

Trump's 2-for-1 order assailed by legal scholars, economists, gets court setback
5/24/2017 6:31 PM ET -- President Donald Trump's executive order requiring two regulations to be repealed for each new regulation enacted has been assailed by a group of 95 legal scholars and economists and received a setback in court.

Fallout continues over Trump budget cuts to nuclear energy R&D as details emerge
5/24/2017 6:07 PM ET -- Former Energy Secretary Ernest Moniz and pro-nuclear conservative lobbyist Rich Powell react to the Trump administration's proposed $281 million cut in funding for research and development programs at the U.S. Department of Energy.

EPA's Pruitt admits staffing challenges as nomination hearings pick up
5/24/2017 5:57 PM ET -- The U.S. Environmental Protection Agency head has acknowledged staffing shortages at his agency as the White House has lagged in choosing nominees. But the pace of nominations is speeding up, as one committee gears up for a triple feature May 25.

Nev. lawmakers pass bill to double RPS to 50% by 2030
5/24/2017 5:54 PM ET -- The Nevada Assembly passed a bill to increase the state's renewable portfolio standard to 50% by 2030 and set a policy goal of achieving 80% renewable energy by 2040 for the total electricity sold by utilities in the state.

Data Dispatch: PJM auction underlines challenges facing nuclear plants
5/24/2017 5:49 PM ET -- Both the Three Mile Island and Quad Cities plants failed to clear the auction, leaving their prospects grim without government subsidies.

Broad synergies a powerful rationale for Vistra as it evaluates M&A
5/24/2017 5:43 PM ET -- As the latest publicly traded independent power producer, Vistra Energy Corp. joins a sector feeling investor pressure to grow earnings and return value to shareholders, more often through leveraged acquisitions, which it too could soon pursue.

Co-ops, public utilities blast Trump call to divest federal transmission assets
5/24/2017 5:26 PM ET -- Public power producers and electric cooperatives said the Trump administration's proposal to divest the transmission assets of three federal power marketing administrations will threaten reliability and raise rates for their customers.

5/24/2017 5:25 PM ET -- The weekly natural gas inventory report to be released by the U.S. Energy Information Administration at 10:30 a.m. ET on May 25 is expected to show a build near the year-ago level and well below the five-year average.

FERC asks Congress to approve 15.2% budget increase for FY'18

5/24/2017 5:21 PM ET -- A budget request released May 23 seeks authorization for the Federal Energy Regulatory Commission to spend $367.6 million during fiscal year 2018.

US power markets lean mixed to lower at midweek

5/24/2017 5:16 PM ET -- Next-day trading activity in the U.S. leaned mixed to lower Wednesday, May 24, as values were pressured by mostly subdued Thursday demand forecasts and declining spot gas prices.

After early gains, June natural gas futures end lower

5/24/2017 5:13 PM ET -- Early gains turned to losses for NYMEX June natural gas futures in the Wednesday, May 24, trading session.

Appeals court asking tough questions on SEC's use of administrative judges

5/24/2017 5:13 PM ET -- A D.C. circuit court is questioning the ability of SEC commissioners to hire administrative law judges without going through the appointments process.

NY regulatory woes plague National Fuel, but Utica may be bright spot

5/24/2017 5:12 PM ET -- National Fuel Gas Co. sees a bright future for its nascent Utica drilling program — an outlook that contrasts sharply with some of company's midstream and downstream setbacks.

Millions would still lose health insurance under House-passed bill, CBO says

5/24/2017 5:09 PM ET -- About 23 million Americans would lose their healthcare insurance over the next decade if a bill passed May 4 by the House to repeal and replace the Affordable Care Act is enacted, according to a new cost estimate from the Congressional Budget Office.

Consumer agency's fate rests on 80-year-old Supreme Court case

5/24/2017 4:49 PM ET -- Justices for the U.S. Court of Appeals for the District of Columbia Circuit suggested that whether the bureau is unconstitutionally structured depended on one's interpretation of a Supreme Court case from the 1930s.

1st shoe drops in attempt to restructure Ohio electricity market

5/24/2017 4:38 PM ET -- Legislation introduced May 23 in the Ohio General Assembly would provide permanent financial support for utilities' investments in two Ohio Valley Electric Corp.-operated coal plants.

White House budget contrasts with call for boosting baseload power

5/24/2017 4:17 PM ET -- The White House budget proposal would slash government spending on geothermal and hydroelectric power, energy sources that have the operating characteristics the administration is promoting.

Fed sketches blueprint for trimming its $4.5 trillion balance sheet

5/24/2017 4:13 PM ET -- The central bank proposes monthly caps on asset runoffs and appears to remain on track for another interest rate hike.

ISO New England undertaking study of fuel security threats to grid reliability

5/24/2017 2:20 PM ET -- ISO New England is studying how anticipated generating resources and fuel-mix combinations could impact grid reliability during winter in 2025.

Regulatory Roundup: 110 EPA staff to gauge coal jobs impact; Trump calls for 30% cut in EPA budget

5/24/2017 1:54 PM ET -- A weekly snapshot of regulatory news affecting the coal sector.

Financial Focus: With generation unit facing headwinds, Dominion looks to gas for growth

5/24/2017 12:49 PM ET -- With its $4.4 billion purchase of Questar behind it, major energy expansion projects underway and an aggressive capital spending program, Dominion Energy continues to be a force to be reckoned with in the domestic utility sector.

Trump's budget proposal slashes clean coal investment by 85%

5/24/2017 12:43 PM ET -- President Donald Trump's proposed 2018 fiscal-year budget would cut back drastically on clean coal technology, despite the rhetoric he used during his campaign.

19% of US underground gas storage wells not built for the job, study finds

5/24/2017 12:42 PM ET -- Nearly a fifth of wells used at underground gas storage facilities were not originally built to support storage operations and may be more leak prone as a result, Harvard University researchers found.

Geologist who helped unveil the Marcellus Shale to retire in June

5/24/2017 12:40 PM ET -- Geoscience professor Terry Engelder hopes to write a definitive history of the fastest-growing, most productive gas field in the world. His geology studies started in high school collecting rocks.

M&A Replay: Great Plains/Westar denied extra time; Canadian acquisition spree to continue
5/24/2017 12:33 PM ET -- A weekly review of SNL Energy power M&A updates, announcements and completions.
Feds negotiating settlement to coal's challenge of pattern violation rule
5/24/2017 12:29 PM ET -- Under President Donald Trump, the U.S. Department of Labor is negotiating a settlement with Murray Energy Corp. and multiple coal associations over an Obama-era mine safety rule aimed at pattern violators of federal law.
PJM's uncleared capacity includes Exelon's Quad Cities nuke in Illinois
5/24/2017 12:13 PM ET -- Exelon Corp. was able to clear 16,200 MW in this year's PJM Interconnection auction, but its majority-owned Quad Cities nuke plant in Illinois was not one of them.
PUCT staff, others say NextEra's rehearing motion for Oncor is 'without merit'
5/24/2017 12:11 PM ET -- Several stakeholders on May 23 submitted their opposition to NextEra Energy Inc.'s motion for Texas regulators to rehear their rejection of the company's proposed $18.7 billion acquisition of Oncor Electric Delivery Co. LLC.
FERC authorizes extension for NGPL project in Illinois
5/24/2017 12:09 PM ET -- Natural Gas Pipeline Co. of America will have a year to secure a certificate amendment to allow its 2012 "storage optimization" natural gas project to retain extra compressor capacity.
Regulatory Roundup: FERC picks expected to have smooth hearing; Court OKs project approval practice
5/24/2017 12:08 PM ET -- A weekly snapshot of recent FERC-related regulatory activity in the midstream and gas utility sectors.
Lower than predicted PJM capacity auction results offer some surprises
5/24/2017 12:06 PM ET -- Although the rate of new build slowed, a lower demand forecast, robust demand response and bidding strategy all contributed to what analysts saw as mixed but overall disappointing results from the PJM Interconnection's 2020/2021 capacity auction.
FERC nominees head to committee for what observers say will be smooth hearing
5/24/2017 9:52 AM ET -- Neil Chatterjee and Robert Powelson will appear May 25 before the U.S. Senate Energy and Natural Resources Committee at what is expected to be a relatively smooth confirmation hearing as senators seek to quickly restore a quorum at the agency.
Crestwood, First Reserve to expand Permian JV
5/24/2017 9:10 AM ET -- Crestwood Equity Partners and private equity firm First Reserve on May 24 announced plans to expand their Delaware Basin joint venture by building a new natural gas processing plant.
Trade commission agrees to investigate solar trade complaint
5/24/2017 8:31 AM ET -- The U.S. International Trade Commission agreed to investigate Suniva Inc.'s claim that imported solar cells made from crystalline silicon are causing "serious injury" to domestic companies.
The Daily Dose: PJM clearing prices plummet 24%; budget cut of $2.6B proposed for EPA
5/24/2017 8:15 AM ET -- Also in today's edition: Trump does little to ease Clean Power Plan repeal; Toshiba intends to sell a majority stake in Westinghouse Electric later this year; and 'severe' LNG shortage predicted for mid-2020s
AM Power Report: Dailies could meander amid waning load, advancing gas
5/24/2017 6:40 AM ET -- Day-ahead power prices could vary Wednesday, May 24, as predominantly softer demand outlooks for the latter part of the workweek run against a renewed uptick in natural gas futures trading.
June gas renews gains as cold lingers in outlooks
5/24/2017 6:39 AM ET -- Following an 11.1-cent decline in the prior session, NYMEX June natural gas futures ticked higher overnight ahead of the Wednesday, May 24, open, as lingering cold in forecasts spell demand support.

CAPITAL MARKETS

Report: Kinder Morgan to price C$1.75B Canadian IPO at C$17 per share
5/24/2017 4:43 PM ET -- The shares in the C$1.75 billion offering were previously expected to be priced between C$19 and C$22 per share, Bloomberg reported May 24. But along with the lower price per share, Kinder Morgan is increasing the number of shares to be sold.
Data Dispatch: ChartWatch: Q1'17 hedge fund tracker
5/24/2017 10:22 AM ET -- S&P Market Intelligence analyzes the aggregate holdings of the top 10 hedge funds as of March 31, 2017.

COMMODITIES

Western Climate Initiative auction sees 100% of current vintage allowances sold

5/24/2017 6:34 PM ET -- Marking a vast improvement in demand, the second quarterly auction of the year held by Western Climate Initiative members California and Quebec saw 100% of the more than 75,311,960 current vintage allowances sell at US$13.80/tonne.

RGGI secondary market prices slide heading into upcoming auction

5/24/2017 2:16 PM ET -- Secondary market prices for carbon dioxide allowances under the Regional Greenhouse Gas Initiative lost ground during the week ended May 23.

Nuclear update: US output nudges higher with Browns Ferry 2, Catawba 1

5/24/2017 1:17 PM ET -- Total U.S. nuclear plant availability saw a slight increase to 85.31% early May 24, up from 85.17% on May 23 but much lower than the 92.18% reported on the same day a year ago.

ELECTRIC GENERATION

SC regulators revoke confidential treatment of V.C. Summer contract

5/24/2017 5:06 PM ET -- South Carolina Electric & Gas Co. and Westinghouse Electric did not object to making nuclear construction contract details public.

IN THE BOARDROOM

AES borrows $525M to redeem term convertible securities

5/24/2017 4:55 PM ET -- AES Corp. on May 24 entered into a $525 million credit agreement to redeem its $3.375 term convertible securities, series C, and for general corporate purposes.

MERGERS & ACQUISITIONS

RES to sell 160-MW wind project to Goldwind Americas

5/24/2017 2:03 PM ET -- Goldwind Americas struck a deal to acquire the 160-MW Heart of Texas wind project in McCulloch County, Texas, from Renewable Energy Systems Americas Inc. for an unspecified amount.

Innergex completes acquisition of 3 wind projects in France

5/24/2017 12:11 PM ET -- Innergex Renewable Energy completed its purchase of three wind projects in France totaling 119.5 MW of generation capacity.

M&A Replay: Noble Energy exits Marcellus midstream biz; Shell Midstream closes $630M deal

5/24/2017 11:45 AM ET -- S&P Global Market Intelligence provides a weekly wrap-up of M&A-related news in the coal and natural gas sectors.

Enel Kansas seeks FERC approval to add to stake in Okla. wind farm

5/24/2017 10:57 AM ET -- Enel Kansas filed an application with the Federal Energy Regulatory Commission on May 22 to purchase an additional 15% membership stake in the 108.8-MW Drift Sand wind farm from EFS Renewables Holdings.

LINN Energy to sell Calif. acreage for $263M under divestiture program

5/24/2017 9:37 AM ET -- LINN Energy agreed to divest about 500 acres in the San Joaquin Basin of California to an undisclosed buyer for $263 million, the first executed deal of LINN's noncore divestiture program.

OPERATIONS & STRATEGY

Tesoro forms joint venture to develop oil, gas production in Uinta Basin

5/24/2017 4:41 PM ET -- Tesoro Corp. formed a drilling joint venture with the exploration and production company EP Energy Corp. to develop oil and natural gas production in the Uinta Basin in Utah.

Alpha awarded contracts to supply Kentucky Power with 490,000 tons of coal

5/24/2017 1:10 PM ET -- Alpha Natural Resources will provide Kentucky Power Co. with 90,000 tons of coal from April through September and another 400,000 tons throughout 2018.

PERSONNEL

GridLiance appoints former Duke exec as VP of corporate development

5/24/2017 1:57 PM ET -- GridLiance Holdco appointed Kevin Donnelly as its vice president of corporate development.

Pinnacle West shareholders elect directors

5/24/2017 11:39 AM ET -- At its May 17 annual meeting, Pinnacle West Capital Corp. shareholders elected 11 nominees to the board of directors.

IDACORP shareholders elect 11 board members

5/24/2017 11:25 AM ET -- IDACORP Inc. shareholders elected 11 members to the board of directors.
WBI Holdings CEO resigns
5/24/2017 10:17 AM ET -- WBI Holdings Inc. President and CEO Martin Fritz resigned from the company, effective May 23.
Edison, SoCalEd add former White House counsel to board
5/24/2017 9:17 AM ET -- Edison International and Southern California Edison Co. have named Michael Camuñez as the newest addition to the companies' boards, effective June 15.

PROJECT DEVELOPMENTS
Entergy New Orleans to invest $30M in grid
5/24/2017 1:13 PM ET -- Entergy New Orleans Inc. said May 23 that it will spend an additional $30 million to improve its electrical system and make it more durable.

RATES & TARIFFS
Ontario watchdog: Rate cut plan has big costs future ratepayers
5/24/2017 5:17 PM ET -- Ontario's "Fair Hydro Plan," proposed earlier this year in an effort to rein in soaring electricity rates, will cost ratepayers billions of additional dollars in interest for decades to come, the province's financial watchdog said.
Arkansas regulators approve OG&E rate settlement
5/24/2017 10:00 AM ET -- The Arkansas Public Service Commission on May 18 approved a rate settlement for Oklahoma Gas and Electric providing a $7.1 million annual rate increase and a 9.50% return on equity, based on 50% equity capital structure.

REGULATION, POLICY & LAW
Mnuchin: 'Preference' to pass clean debt ceiling bill before August recess
5/24/2017 6:23 PM ET -- Treasury Secretary Steven Mnuchin said he is hopeful it will be done by the August deadline.
Trump administration requests steep cuts to mine reclamation funds
5/24/2017 4:59 PM ET -- President Donald Trump's budget request for the 2018 fiscal year includes large cuts to mine reclamation funds and the agency responsible for overseeing them.
Peabody seeks dismissal of 'piggybacking' challenge to bankruptcy reorganization
5/24/2017 2:04 PM ET -- Peabody Energy and the entities that helped pull the coal miner out of a bankruptcy reorganization are asking a judge to dismiss claims from a group of creditors who say they were treated unfairly during the reorganization.
Battery Utility of Ohio seeks approval to sell 50% stake to Tokyo Electric Power
5/24/2017 1:34 PM ET -- Renewable Energy Systems Americas Inc. subsidiary Battery Utility of Ohio LLC submitted a request with the Federal Energy Regulatory Commission on May 22 to authorize the transfer of a 50% indirect membership interest to Tokyo Electric Power Co.

RENEWABLES
Biggest US wind buyer Xcel sees 'no problem with reliability,' CEO says
5/24/2017 5:37 PM ET -- If asked, the most prolific purchaser of wind energy in the country would work with the U.S. Department of Energy on its controversial grid reliability study, Xcel chief Ben Fowke said May 24 at a conference in Anaheim, Calif.
Otter Tail Power invites community participation in hydro relicensing
5/24/2017 11:52 AM ET -- Otter Tail Power is seeking to relicense five small hydro facilities in Minnesota, some that are more than 100 years old.

RRA NEWS
RRA Regulatory Focus: Texas Railroad Commission approves rate settlement/consolidation for CenterPoint
5/24/2017 4:51 PM ET -- On May 23, the Texas Railroad Commission adopted a settlement authorizing CenterPoint Energy Resources a gas rate increase and approving the consolidation of certain service territories.
RRA Regulatory Focus: ND regulation remains somewhat more constructive than average
5/24/2017 4:08 PM ET -- The North Dakota energy utility regulatory climate continues to be somewhat more constructive than average from an investor point of view, as noted in a May 24 RRA research report.

RRA Regulatory Focus: Staff says PUCT rejection of NextEra/Oncor deal is 'valid and enforceable'
5/24/2017 2:30 PM ET -- On May 23, Texas PUC staff and other stakeholders jointly filed a reply recommending that the commission reject NextEra's request for rehearing of the commission's order rejecting the acquisition of Energy Future Holdings and Oncor.
RRA Regulatory Focus: Minn. Senate confirms Sieben's appointment to utility commission
5/24/2017 10:37 AM ET -- On May 22, the Minnesota Senate confirmed Gov. Mark Dayton's Dec. 28, 2016, appointment of Katie Sieben to a six-year term on the Minnesota Public Utilities Commission, which commenced in January 2017.

Upcoming Events

EXPECTED EARNINGS RELEASES

NGL	5/25/2017

CONFERENCE CALLS

No upcoming conference calls have been posted since your last summary was sent.

COMPANY MEETINGS

SunRun Inc. (RUN) Annual Shareholder	5/26/2017 11:00 AM ET
Martin Midstream Partners LP (MMLP) Special	5/26/2017 11:00 AM ET

INDUSTRY CONFERENCES

Craig-Hallum 14th Annual Institutional Investor Conference	5/31/2017 - 5/31/2017
BMO 2017 Global Energy Leadership Forum	5/31/2017 - 6/1/2017
MLP Investor Conference	5/31/2017 - 6/2/2017
UBS West Coast Power/Utilities/Solar Mini-Conference	6/1/2017 - 6/1/2017
RBC Global Energy Conference	6/5/2017 - 6/6/2017
TradeFair LDC 22nd Annual Northeast Forum	6/5/2017 - 6/7/2017
Bank of America Merrill Lynch 2017 Energy Credit Conference	6/6/2017 - 6/6/2017
Credit Suisse Global Energy Conference	6/6/2017 - 6/7/2017
Desjardins Energy Conference	6/6/2017 - 6/7/2017
OPIS 2nd Annual Mexico- U.S. LPG Congress	6/6/2017 - 6/7/2017
Deutsche Bank Global Industrials & Materials Summit	6/7/2017 - 6/8/2017
EMI Physical Natural Gas Trading	6/7/2017 - 6/8/2017
National Bank Financial's Canadian Energy Infrastructure Conf	6/8/2017 - 6/8/2017
Macquarie Canadian Energy Conference	6/8/2017 - 6/9/2017
EEI Annual Convention	6/11/2017 - 6/14/2017
IECA 25th Annual Canadian Conference	6/11/2017 - 6/14/2017
EMI Power & Natural Gas Fundamentals	6/12/2017 - 6/13/2017
Infocast Microgrids Meet the Markets 2017	6/12/2017 - 6/14/2017
Citigroup 2017 Industrials Conference	6/13/2017 - 6/14/2017
Credit Suisse 2017 Private Energy Conference	6/14/2017 - 6/14/2017
Credit Suisse 4th Annual Australian Energy Conference	6/14/2017 - 6/15/2017
EMI Fundamentals of Power Trading	6/14/2017 - 6/15/2017
EMI Technical Analysis	6/14/2017 - 6/15/2017

New Events

EXPECTED EARNINGS RELEASES

No new expected earings releases have been posted since your last summary was sent.

CONFERENCE CALLS

No new conference calls have been posted since your last summary was sent.

COMPANY MEETINGS
No new company meetings have been posted since your last summary was sent.

INDUSTRY CONFERENCES
Deutsche Bank Lithium Supply Chain and Energy Storage Conference 11/16/2017 - 11/16/2017

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The Daily Dose

The Daily Dose: PJM clearing prices plummet 24%; budget cut of $2.6B proposed for EPA

5/24/2017 8:15 AM ET
By Saad A. Sulehri

EXCLUSIVE

Top news

Latest PJM capacity auction price for RTO clears 24% lower at $76.53/MW-day

Due in part to a reduction in the reliability requirement, the RTO clearing price in the PJM Interconnection LLC's 2020/2021 Base Residual Auction, or BRA, was down about 24% on the year, and came in below what most analysts had anticipated.

EPA: Proposed $2.6B funding cut 'returns focus to core statutory mission'

The 31% budget cut proposed for the U.S. Environmental Protection Agency is respectful of the American taxpayer while supporting the agency's core mission, according to the administrator of that agency, Scott Pruitt. President Donald Trump on May 23 released his budget request for the 2018 fiscal year, which begins Oct. 1.

'Severe' LNG shortage will replace glut in mid-2020s, market observer says

Although a global LNG supply glut will likely remain for the next five years, oversupply will be replaced by a "severe" shortage as early as 2024 as project sponsors struggle to sign contracts necessary to fund massive liquefaction and export terminals, according to a long-time energy consultant.

Trump does little to ease Clean Power Plan repeal, says energy legal advocate

Despite significant support from the Trump administration, the process of rolling back the U.S. Environmental Protection Agency's Clean Power Plan, or CPP, has become no less complicated for energy advocates, according to an attorney who argued a portion of a challenge to the rule in federal court.

Power

* PPL Corp. shareholders, in what is seen as a landmark vote, recently approved a nonbinding proposal calling on the electric utility to assess the long-term impacts of climate change policies and technological advances on its portfolio.

* Having previously rejected a proposed merger between Great Plains Energy Inc. and Westar Energy Inc., Kansas regulators on May 23 refused to keep the docket open while the companies determine whether renegotiating the deal to address the agency's concerns is feasible.

* The Trump administration is planning to implement a 90-day delay to the regulations set forth by former President Barack Obama to limit pollution caused by methane from municipal landfills, The Hill reports. EPA chief Scott Pruitt decided to reconsider these regulations after receiving requests from organizations like the Solid Waste Association of North America and the National Waste and Recycling Association in October 2016.

* Toshiba Corp. is planning to sell a majority stake in Westinghouse Electric Co. LLC later this year as it is stumbles through a bankruptcy proceeding. The Tokyo-based company has "signaled pretty clearly to the market" its intentions to let go of its interest in Westinghouse, Westinghouse COO Mark Marano said in an interview on May 23 at the nuclear energy assembly, Bloomberg reports.

* The U.S. Environmental Protection Agency's Board of Scientific Counselors chair was "surprised" after the EPA did not renew the terms of nine of its 18 members. Agency officials are hopeful that more representatives from the industries regulated by the EPA would be appointed to the panel, The Hill reports. Many Democrats and scientists have expressed their disapproval of this decision, stating that the move would lower the quality of the agency's rulemaking.

* EPA Administrator Scott Pruitt took on California Gov. Jerry Brown and his agenda on environment and cleaner energy sources, stating that Brown is imposing his agenda on other states, The Hill reports. Brown described the Trump administration's move to eradicate the Clean Power Plan as a "colossal mistake".

* U.S. Sen. Dean Heller, R-Nev. termed President Donald Trump's budget request as "anti-Nevada" raising concerns towards budget cuts, funding $120 million to the Department of Energy to revive permitting activities for the Yucca Mountain nuclear waste mine and the cuts to important public land programs in Nevada, the payment in lieu of taxes program and the Southern Nevada Public Land Management Act, according to a news release.

Natural gas/midstream

* If OPEC extends oil output cuts as expected at its upcoming meeting, the U.S. midstream energy sector could build on its first-quarter momentum and attract new investor interest, analysts said. Oil ministers representing OPEC countries and several non-OPEC nations are scheduled to meet in Vienna on May 25.

* President Donald Trump in his May 23 budget report proposed selling half of the nation's emergency oil reserves, open the Arctic National Wildlife Refuge in Alaska for drilling and end the sharing of offshore drilling revenue with Gulf Coast states, The Hill reports. The controversial oil-related provisions are expected to generate about $23.5 billion over the next 10 years.

* Colorado is facing a serious issue of residential developers, homeowners or builders hitting gas pipelines while digging which sometimes causes deadly consequences resulting from explosions. Meanwhile, officials in Colorado are hard-pressed to prevent these issues due to an in adequate system for preventing pipeline excavation damages, *The Denver Post* reports.

* Chesapeake Energy Corp. intends to issue $750 million of senior notes due in 2027 to repurchase up to $750 million in existing senior notes including 8% senior secured second lien notes due 2022, 6.625% of senior notes due 2020, 6.875% senior notes due 2020, 6.125% senior notes due 2021 and 5.375% senior notes due 2021, *The Oklahoman* reports. The tender offer expires June 19.

Coal

* Speakers at a recent coal conference were optimistic about new coal technologies, though the industry's future still seems a bit bleak. Jeff Taylor, chairman of the Virginia Coal and Energy Alliance, said the election of President Donald Trump brought a "breath of fresh air" to the sector.

* Glencore Plc's agriculture utility approached Bunge Ltd. for a possible merger in the hope of establishing itself among top global grain merchants. Glencore confirmed approaching its rivals for a potential takeover but stated that "discussions may or may not [materialize] and there is no certainty that any transaction will occur," the *Financial Times* reports. The Switzerland-based miner and commodities trader previously sold its 49% interest in the agriculture business to two Canadian pension funds for more than $3 billion.

* FBR & Co. analyst Lucas Pipes is raising his estimates and price target for Contura Energy Inc. due to higher sales volumes across the board. Pipes said FBR raised its price target to $111 per share from $105 per share and reiterated its "outperform" rating due in part to preliminary first-quarter results that were "well above our estimates for the quarter."

Commodities

* Throughout the day May 22, panelists at Platts' Northeast Power and Gas Markets Conference battered around thoughts on whether wholesale power markets can maintain competitiveness while also taking into account individual state policies, including environmental mandates, such as the pricing of carbon.

* Following an 11.1-cent decline in the prior session to settle at $3.219/MMBtu, NYMEX June natural gas futures ticked higher overnight ahead of the Wednesday, May 24, open, as lingering cold in forecasts spell demand support and additional modest storage builds in the coming weeks. At 6:38 a.m. ET (1026 GMT), the contract was 0.5-cent higher at $3.224/MMBtu.

* Day-ahead power prices could vary Wednesday, May 24, as predominantly softer demand outlooks for the latter part of the workweek run against a renewed uptick in natural gas futures trading.

New from RRA

* On May 18, the Arkansas Public Service Commission adopted a settlement, thereby authorizing Oklahoma Gas and Electric Co., or OG&E, a $7.1 million, or 7.5%, electric base rate increase effective May 18. The approved increase is premised upon a 9.5% return on equity (36.38% of a regulatory capital structure) and a 5.42% return on a year-end rate base valued at $506.7 million for a test year ended June 30, 2016, updated for known and measurable changes through June 30.

* On May 23, the Kansas Corporation Commission, or KCC, rejected Great Plains Energy Inc.'s May 4 request for reconsideration of the KCC's April 19 order rejecting the company's proposed acquisition of Westar Energy Inc. The KCC had determined, in Docket No. 16-KCPE-593-ACQ, that the transaction was not in the public interest and would have been "too risky."

Quoted

"I find that statement preposterous." John Walke, director of the NRDC's Clean Air Project, responding to EPA head Scott Pruitt's suggestion that drastic cuts to the EPA's budget "respect the American taxpayer."

The day ahead

* Early morning futures indicators pointed to a mixed opening for the U.S. equity markets. To view more SNL equity market indexes, click here. To view more SNL Energy commodities prices, click here.

The Daily Dose is updated as of 7:30 a.m. ET. Some links may require registration or a subscription.

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PUBLICATIONS SUMMARY

SNL Energy Finance Daily

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TOP HEADLINES

- NRG tees up exit from GenOn with restructuring agreement
- Markets: Tuesday's Energy Stocks: Markets extend rally; Spark dips on 2-for-1 stock split
- PJM capacity auction the next test for plant developers
- Why Trump's budget numbers may add up to an even bigger deficit
- Analysts find no direct impact on pipelines from Va. emissions initiative

SNL Power Daily with Market Report

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TOP HEADLINES

- Latest PJM capacity auction price for RTO clears 24% lower at $76.53/MW-day
- Q&A: Top Calif. energy official seeks answers to 'calamitous competition'
- EPA: Proposed $2.6B funding cut 'returns focus to core statutory mission'
- Trump repeats call for energy spending cuts in full FY'18 budget request
- White House proposal chops DOE budget to $28B, cuts some programs

SNL Power Policy Week

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TOP HEADLINES

- Energy lawyers are told to prepare for 'brave new world' of policy under Trump
- Trump administration's focus on baseload power faces increasing opposition
- Senate schedules hearing on FERC, DOE nominees

- Harvard fellow: FERC has many ways to legally accommodate state policy
- EPA sets aside $12M for staff buyouts; boosts funds for administrator's security

SNL Daily Coal Report

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TOP HEADLINES

- Cuts to energy research cast pall over coal event; new tech offers ray of hope
- Q&A: New Colombia poised to take advantage of infrastructure, changing country
- Trump does little to ease Clean Power Plan repeal, says energy legal advocate
- Undeterred by budget backlash, Trump to stay the course on proposed EPA cuts
- Trump repeats call for energy spending cuts in full FY'18 budget request

SNL Daily Gas Report

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TOP HEADLINES

- 'Severe' LNG shortage will replace glut in mid-2020s, market observer says
- Extension of OPEC production cuts seen as boost for midstream MLPs
- Trump repeats call for energy spending cuts in full FY'18 budget request
- Culture shift impacting energy project prospects, access to cash, analyst says
- 'Repetitive and groundless': NEXUS rejects Sierra Club attempt to delay project

SNL FERC Gas Report

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TOP HEADLINES

- Ohio asks FERC to 'take appropriate action' as Rover restarts drilling
- Culture shift impacting energy project prospects, access to cash, analyst says
- 'It concerns me deeply': NY regulator wrestles with politicization of gas issues
- Analysts find no direct impact on pipelines from Va. emissions initiative
- Environmentalists ask Senate to stall Trump's FERC nominees

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News

TOP NEWS

Supreme Court stay casts long shadow as Clean Power Plan's legal future debated
5/15/2017 6:19 PM ET -- Parties to the Clean Power Plan litigation made their case to the U.S. Court of Appeals for the District of Columbia Circuit on May 15 about how the rule should be addressed as the U.S. EPA conducts a review mandated by the president.

Markets: Monday's Energy Stocks: Wall Street rises as oil, energy equities rally
5/15/2017 6:00 PM ET -- Wall Street kicked off the week with sizable gains, propelled by higher oil prices and a rally in energy equities.

Suniva trade complaint an 'existential threat' to US solar, trade group says
5/15/2017 5:56 PM ET -- "If demand goes down significantly ... that will affect jobs all across that supply chain, all across that value chain and all across our country," said Abigail Ross Hopper, president and CEO of the Solar Energy Industries Association.

Fitch warns downgrade of Vogtle, Summer owners
5/15/2017 5:10 PM ET -- Fitch Ratings warned May 15 that it would downgrade the utilities involved in the expansion of two nuclear plants if those projects' costs increased, financial margins declined or leverage metrics rose substantially.

Conn. siting agency denies certificate for 550-MW gas project
5/15/2017 5:08 PM ET -- The Connecticut Siting Council denied a certificate of environmental compatibility and public need for NTE Energy's proposed gas-fired combined-cycle Killingly plant.

Analyst positive on Ramaco's future position
5/15/2017 5:06 PM ET -- A Jefferies analyst is optimistic about the prospects of Ramaco Resources Inc. as the new producer invests in infrastructure and brings production online.

Utility group seeks review of EPA's coal ash rule
5/15/2017 4:37 PM ET -- A coalition of electric utilities has petitioned the U.S. Environmental Protection Agency to review certain portions of its coal ash rule.

Heat leads East, Midwest values higher; Texas, West markets flounder
5/15/2017 4:30 PM ET -- Daily power prices in the U.S. were mixed to start the new workweek Monday, May 15, amid strong Tuesday load forecasts but softer spot natural gas prices.

Activist shareholder proposals picking up momentum in energy sector
5/15/2017 4:25 PM ET -- Activist oil and gas investors are starting to see landmark progress on environmental shareholder resolutions in the wake of the Paris global climate agreement reached in

late 2015, with the help of big-name asset managers like BlackRock.
Global cyberattack seems to have spared North American power grid
5/15/2017 4:13 PM ET -- The North American Electric Reliability Corp. received no reports of bulk power system impacts from a May 12 global ransomware attack that hit more than 150 countries.
June natural gas sinks in profit taking
5/15/2017 4:10 PM ET -- NYMEX June natural gas futures settled the Monday, May 15, trading session lower in profit taking amid overbought conditions, as the seasonal weather trend points to steady storage building.
Dynegy forges on with 'crown-jewel' asset sales, but is it necessary?
5/15/2017 4:09 PM ET -- As Dynegy forges ahead with the sale of two combined-cycle assets it describes as "crown jewels," analysts have begun questioning whether such a sale is necessary or prudent.
Google seeks direct access to electric suppliers in Nevada without impact fees
5/15/2017 3:55 PM ET -- Google Inc. is asking Nevada regulators to allow the company to obtain direct access to electric suppliers for a new data center it is considering building in Reno, Nev., without being subject to utility impact fees.
Inadequate transmission investment seen to pose a challenge for renewables
5/15/2017 3:51 PM ET -- Transmission infrastructure development, not the Trump administration's shift away from Obama-era climate policy, is seen to pose the main challenge for the renewable power sector in the coming years.
Portland General suspends gas plant bid as region seeks 100% renewables
5/15/2017 3:36 PM ET -- One month after Portland, Ore., pledged to work with Portland General Electric to power Oregon's largest city entirely with renewables by 2035, the utility has asked state regulators to suspend a proposal to expand its Carty gas plant.
Financial Focus: Dependence on hot summers matters to some utilities more than others
5/15/2017 3:09 PM ET -- A look at the important third quarter and its financial impact on electric utilities.
Tsunami threat a challenge for West Coast LNG project
5/15/2017 2:49 PM ET -- Developers plan to build the Jordan Cove LNG export project to withstand the largest tsunami wave from a major 9.0 earthquake, but state officials and residents said it would be vulnerable.
As Trump cabinet stumps for coal, expert ponders fuel diversity, reliability
5/15/2017 1:09 PM ET -- The leaders of the U.S. Environmental Protection Agency and the U.S. Department of Energy have been promoting the need for fuel diversity including coal generation, but one expert asserts there are other factors to weigh in ensuring reliability.
WannaCry: how the global cyberattack unfolded
5/15/2017 1:00 PM ET -- S&P Global Market Intelligence presents a timeline of events relating to the global spread of ransomware dubbed as "WannaCry" beginning May 12.
Proposed British Columbia coal regulations could favor Westmoreland
5/15/2017 12:26 PM ET -- Proposed limitations on thermal coal exports from British Columbia may actually help Westmoreland Coal Co.'s Canadian operations, according to executives, though a good deal of uncertainty persists about who would be impacted by the rules.
Regulatory Roundup: National impact of Colo. blast probed; SoCalGas to focus on non-Aliso fields
5/15/2017 12:25 PM ET -- A weekly snapshot of recent regulatory activity in the midstream and gas utility sectors.
Prices, profits jump for shale drillers in Appalachia
5/15/2017 11:59 AM ET -- Natural gas prices spiked in the first quarter for Appalachian drillers, but Wall Street yawned.
Oasis Petroleum plans midstream IPO with potential $536 million valuation
5/15/2017 11:15 AM ET -- A planned IPO for a piece of Oasis Petroleum Inc.'s fee-based master limited partnership could have a valuation of $536 million, an analyst at Williams Capital Group LP said.
The Week In Energy: May 8-12: Calpine exploring sale; Blankenship unrepentant upon prison release
5/15/2017 10:27 AM ET -- A brief look back at successes and setbacks in the energy industry.
Pembina forms JV, starts front-end work for potential C$4.2B polypropylene plant
5/15/2017 10:00 AM ET -- Pembina Pipeline formed a joint venture with Petrochemical Industries Co. of Kuwait to commercially support a planned integrated propylene and polypropylene production facility in Alberta that is estimated to cost C$3.8 billion to C$4.2 billion.
Security experts: Fresh cyberattacks may be imminent
5/15/2017 9:55 AM ET -- Fresh cyberattacks and hacks could be imminent following the ransomware attack that spread to more than 150 countries over the weekend, industry experts have warned.
Southern to assume project management of Vogtle from Westinghouse

5/15/2017 9:50 AM ET -- Georgia Power and Southern Nuclear Operating Co. plan to take over project management from Westinghouse Electric for construction of two new reactors at the Vogtle Nuclear Plant.
The Daily Dose: NextEra sought leverage over EFH creditors; Blankenship to appeal conviction
5/15/2017 8:25 AM ET -- Also in today's edition: Tillerson signs Arctic agreement on climate change, defers on Paris; U.S. deal with China could give buyers confidence to sign LNG contracts; and top-producing Central Appalachia mines up 15% YOY in Q1'17.
June gas futures turn defensive amid overbought conditions
5/15/2017 7:06 AM ET -- After extending 4.8 cents higher to settle at $3.424/MMBtu ahead of the weekend, NYMEX June gas recoiled in overnight trading leading up to the Monday, May 15, open in a fresh round of selling amid overbought conditions and abating weather support.
AM Power Report: Dailies could open week jumbled amid conflicting drivers
5/15/2017 6:36 AM ET -- Power dailies could open the fresh workweek on a mixed tenor Monday, May 15, as mostly stronger demand outlooks for Tuesday run against a renewed downdraft at the natural gas futures complex.

CAPITAL MARKETS
Dominion remarkets securities
5/15/2017 6:18 PM ET -- Dominion Energy completed the remarketing of its remarketable subordinated notes due 2020.
Cheniere Energy prices, upsizes $1.5B senior note offering
5/15/2017 5:22 PM ET -- Cheniere Energy subsidiary Cheniere Corpus Christi Holdings has upsized and priced its offering to $1.5 billion of senior secured notes due 2027, to be issued at par with an interest rate of 5.125% per annum, maturing on June 30, 2027.
Cheniere Corpus Christi Holdings commences $1B senior note offering
5/15/2017 10:52 AM ET -- Cheniere Energy Inc. subsidiary Cheniere Corpus Christi Holdings LLC launched an offering of $1.0 billion of senior secured notes due 2027 to raise funds to prepay a portion of its debts under its term loan credit facility.
AES marketing $525M credit facility
5/15/2017 10:12 AM ET -- AES is marketing a new $525 million credit facility, which will take the form of a senior secured term B loan.

COMMODITIES
Nuclear update: Total US plant availability rises despite Columbia outage
5/15/2017 9:34 AM ET -- Total U.S. nuclear plant availability ramped to 79.56% as of early May 15, up from 78.85% on May 12 but below the 88.38% reported on the same day a year ago.

EARNINGS & GUIDANCE
Lower nuclear power sales results in decreased Ontario Power Q1 results
5/13/2017 11:54 AM ET -- A decline in nuclear power results in the lower first quarter net income for the independent power generator.

MERGERS & ACQUISITIONS
First Solar to sell Class B interests in 2 solar projects to EDF Renewables
5/15/2017 5:32 PM ET -- First Solar has asked FERC to approve the sale managing Class B interests in two Nevada solar farms to EDF Renewables.
Verde asks FERC to approve sale to Spark Energy
5/15/2017 4:39 PM ET -- Verde Energy has asked FERC to approve its sale to Spark Energy by June 23.
BC Hydro evaluates option to acquire Teck's stake in Waneta Dam
5/15/2017 10:08 AM ET -- BC Hydro and Power Authority is evaluating its right of first offer to purchase Teck Resources' two-thirds stake in the 496-MW Waneta Dam and its related transmission assets.
M&A Replay: Shareholders approve WGL/AltaGas deal; WildHorse to buy Eagle Ford acreage
5/15/2017 9:42 AM ET -- S&P Global Market Intelligence provides a weekly wrap-up of M&A-related news in the coal and natural gas sectors.
FERC approves Hannon Armstrong tax equity buy in 5 wind projects
5/13/2017 11:44 AM ET -- The five wind projects are located in Minnesota, Colorado and North Dakota.
D. E. Shaw wraps solar projects sale
5/13/2017 11:34 AM ET -- D. E. Shaw completed the sale of indirect membership stakes in three solar projects through two separate transactions.

MINING

BNSF appeals environmental impact statement for planned Longview coal terminal

5/15/2017 2:05 PM ET -- BNSF Railway is appealing a final environmental impact statement for a proposed coal export terminal in Washington state.

Westmoreland posts $37.3M net loss in Q1'17

5/15/2017 8:40 AM ET -- Westmoreland Coal Co. reported a net loss of about $37.3 million in the first quarter of 2017 due in part to weather-related demand and repairs.

OPERATIONS & STRATEGY

Neb. utilities terminate power supply contract for output of 225-MW plant

5/15/2017 12:12 PM ET -- The Nebraska Public Power District and Lincoln Electric System have decided to terminate a power purchase agreement for the output of the 225-MW Sheldon coal- and gas-fired facility in Lancaster County, Neb.

PERSONNEL

Entergy names new utility group president

5/15/2017 12:07 PM ET -- Entergy announced on May 15 the appointment of Rod West as group president of utility operations.

ENMAX appoints former Hydro One executive as board member

5/15/2017 12:02 PM ET -- The appointment comes on the heels of the departure of three board members.

Emera shareholders elect 12 nominees to board

5/15/2017 10:29 AM ET -- Emera announced the election of all 12 nominees to its board of directors during its annual shareholder meeting.

OPPD taps former BPA exec as CFO

5/15/2017 8:43 AM ET -- The Omaha Public Power District board named Javier Fernandez as vice president and CFO.

Calpine shareholders approve incentive plans, elect 9 board directors

5/13/2017 11:47 AM ET -- The new plans will authorize issuance of additional shares for Calpine employees and nonemployee directors.

POWER GRID

Ontario grid operator sees range of options to increase firm power imports

5/15/2017 5:18 PM ET -- Investments from as little as C$20 million could improve the ability of electricity transfers between Ontario and Quebec, according to a new report.

Appalachian Power to rebuild transmission line in Virginia

5/15/2017 8:55 AM ET -- Appalachian Power is investing $15 million to rebuild the Haysi transmission project in Dickenson County, Va.

RATES & TARIFFS

Hearing examiners reject PNM's rate case settlement

5/15/2017 11:47 AM ET -- The hearing examiners overseeing Public Service Co. of New Mexico's rate filing have rejected the proposed rate case settlement in its current form.

RATINGS & RESEARCH

Moody's flags Calpine for downgrade over possible buyout

5/15/2017 3:59 PM ET -- Moody's has flagged Calpine for downgrade over the possibility of a private-equity buyout.

UBS upgrades Exelon to 'buy'

5/15/2017 12:48 PM ET -- UBS Securities LLC on May 15 upgraded Exelon Corp. to "buy" from "neutral," and raised its price target to $37.50 from $36.

FBR lowers Foresight price target after Q1'17 earnings miss

5/15/2017 10:30 AM ET -- FBR & Co. lowered its price target for Foresight Energy from $6 per share to $4 per share after the coal producer reported a net loss of $111.2 million in the first quarter of 2017.

RENEWABLES

Southern Power energizes 102-MW Texas solar project

5/15/2017 12:29 PM ET -- Southern Power Co.'s 102-MW Lamesa solar project in Dawson County, Texas, has reached commercial operation, according to a May 15 company release.

RRA NEWS

RRA Regulatory Focus: Va. SCC approves energy efficiency rider settlement for Appalachian Power
5/15/2017 1:56 PM ET -- On May 11, the Virginia State Corporation Commission approved a settlement establishing an updated revenue requirement for Appalachian Power's energy efficiency rider.

Upcoming Events

EXPECTED EARNINGS RELEASES

JE	5/17/2017

CONFERENCE CALLS

Oglethorpe Power Corp. (877) 930-8094 22543110	5/17/2017 11:00 AM ET

COMPANY MEETINGS

Georgia Power Co. Annual Shareholder	5/17/2017 7:30 AM ET
PPL Corp. (PPL) Annual Shareholder	5/17/2017 9:00 AM ET
SemGroup Corp. (SEMG) Annual Shareholder	5/17/2017 10:00 AM ET
Mississippi Power Co. Annual Shareholder	5/17/2017 10:00 AM ET
Pinnacle West Capital Corp. (PNW) Annual Shareholder	5/17/2017 12:30 PM ET
InfraREIT Inc. (HIFR) Annual Shareholder	5/17/2017 12:00 PM ET
Xcel Energy Inc. (XEL) Annual Shareholder	5/17/2017 12:00 PM ET
First Solar Inc. (FSLR) Annual Shareholder	5/17/2017 3:00 PM ET

INDUSTRY CONFERENCES

IHS Energy European Coal Outlook Conference	5/22/2017 - 5/23/2017
Marcus Evans Plant Energy Efficiency 2017	5/22/2017 - 5/23/2017
S&P Global 12th Annual Northeast Power & Gas Markets Conference	5/22/2017 - 5/23/2017
NEI Industry Conf and Supplier Expo: Nuclear Energy Assembly	5/22/2017 - 5/24/2017
AWEA WINDPOWER 2017 Conference & Exhibition	5/22/2017 - 5/25/2017
Credit Suisse 2017 Midstream Investor Bus Tour	5/23/2017 - 5/23/2017
Hart Energy MIDSTREAM Texas	5/23/2017 - 5/24/2017
Scotia Energy & Infrastructure Conference	5/23/2017 - 5/25/2017
UBS Securities Global Oil and Gas Conference	5/23/2017 - 5/25/2017
LSI Electric Transmission in the West	5/25/2017 - 5/26/2017
Citigroup Japan Utilities Day 2017	5/26/2017 - 5/26/2017
Al Petrie 2017 Louisiana Energy Conference	5/30/2017 - 6/2/2017
Craig-Hallum 14th Annual Institutional Investor Conference	5/31/2017 - 5/31/2017
BMO 2017 Global Energy Leadership Forum	5/31/2017 - 6/1/2017
MLP Investor Conference	5/31/2017 - 6/2/2017
UBS West Coast Power/Utilities/Solar Mini-Conference	6/1/2017 - 6/1/2017
RBC Global Energy Conference	6/5/2017 - 6/6/2017
TradeFair LDC 22nd Annual Northeast Forum	6/5/2017 - 6/7/2017

New Events

EXPECTED EARNINGS RELEASES

VNR	8/9/2017

CONFERENCE CALLS

Oglethorpe Power Corp. (877) 930-8094 22543110	5/17/2017 11:00 AM ET

COMPANY MEETINGS

Pembina Pipeline (PPL) Analyst/Investor	5/16/2017 8:00 AM ET

INDUSTRY CONFERENCES

Stifel Industrials Conference	6/15/2017 - 6/15/2017
Cowen and Company Energy & Natural Resources Conference	12/4/2017 - 12/5/2017

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To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Eck, Janet
Sent: Thur 5/11/2017 1:58:41 PM
Subject: RE: Draft CPP documents

Thanks.

From: Steiner, Elyse
Sent: Thursday, May 11, 2017 9:57 AM
To: Eck, Janet <Eck.Janet@epa.gov>
Subject: RE: Draft CPP documents

I saw the name Jonathan Skinner-Thompson on some of the earlier e-mails, but don't know for sure. If I see Kevin, I'll try to find out.

From: Eck, Janet
Sent: Thursday, May 11, 2017 9:55 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: RE: Draft CPP documents

It is only for the checklist I include when moving for approval. I think it is either Paul Versace or Scott Jordan, but not positive. Thanks.

From: Steiner, Elyse
Sent: Thursday, May 11, 2017 9:52 AM
To: Eck, Janet <Eck.Janet@epa.gov>
Subject: RE: Draft CPP documents

No, I'm not 100% sure. What do you need and I can try to find out.

From: Eck, Janet
Sent: Thursday, May 11, 2017 9:47 AM

To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: FW: Draft CPP documents

Do you know who the attorney is for this action? Thanks.

From: Eck, Janet
Sent: Thursday, May 11, 2017 9:19 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: RE: Draft CPP documents

Hi Elyse, Would you be able to put a post-it note together for me. Also, are there any communications materials and RIA available? This is an economically significant rule. Thanks!

From: Steiner, Elyse
Sent: Wednesday, May 10, 2017 1:05 PM
To: Eck, Janet <Eck.Janet@epa.gov>
Subject: Draft CPP documents

See attached and on Sharepoint.

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Lamason, Bill
Sent: Fri 4/28/2017 7:03:28 PM
Subject: RE: Can we talk? (Short check in).

OK. We'll have a short conversation and then call Marguerite. Thanks! B

From: Steiner, Elyse
Sent: Friday, April 28, 2017 2:53 PM
To: Lamason, Bill <Lamason.Bill@epa.gov>
Subject: Re: Can we talk? (Short check in).

Bill,

I'll call you in a few. I'm not at my desk right now.

Elyse

From: Lamason, Bill
Sent: Friday, April 28, 2017 12:01:51 PM
To: Steiner, Elyse
Subject: RE: Can we talk? (Short check in).

OK. That's what I was wondering about. 3 pm works or whatever time is best for you. I plan to be here until late. B

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:01 PM
To: Lamason, Bill <Lamason.Bill@epa.gov>
Subject: Re: Can we talk? (Short check in).

Working with Kevin & Janet Eck on the CPP draft for this afternoon. Can I call you around 3?

From: Lamason, Bill
Sent: Friday, April 28, 2017 11:58:06 AM
To: Steiner, Elyse
Subject: Can we talk? (Short check in).
When: Friday, April 28, 2017 1:30 PM-2:00 PM.
Where: Bill to call Elyse

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Eck, Janet
Sent: Fri 4/28/2017 4:27:16 PM
Subject: RE: New Draft

Will do. Thanks for your help Elyse.

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:26 PM
To: Eck, Janet <Eck.Janet@epa.gov>
Subject: Re: New Draft

Good

Remember to save regularly to refresh your version-- you can see what's been changed and others can see your changes after saving.

From: Eck, Janet
Sent: Friday, April 28, 2017 12:23:21 PM
To: Steiner, Elyse; Culligan, Kevin
Subject: RE: New Draft

Yes. Thanks!

From: Steiner, Elyse
Sent: Friday, April 28, 2017 12:20 PM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

I can see that you & Kevin are in the document editing, so I think you are in the right place. Can you see in the upper right corner where it says "Share" and the number 3 people editing?

From: Eck, Janet
Sent: Friday, April 28, 2017 12:16:08 PM
To: Steiner, Elyse; Culligan, Kevin
Subject: RE: New Draft

Hi Elyse, I received a link to CPP Proposal.FR Notice4.21.17.draft.docx at 11:11 am. Am I in the wrong spot? I may need your help. Thanks.

From: Steiner, Elyse
Sent: Friday, April 28, 2017 11:17 AM
To: Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: Re: New Draft

You should both be getting a link to the document in a new CPP sharepoint folder named April 2017 Draft. Let me know if you don't get it or run into any problems, but I think it should work.

From: Eck, Janet
Sent: Friday, April 28, 2017 10:32:23 AM
To: Culligan, Kevin; Steiner, Elyse
Subject: New Draft

Hi Kevin, Framework of my early thoughts attached. If you and Elyse can work out the Executive Summary elements, I will try to add some of the basic intro language. You can add and delete later as needed. Thanks.

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Lamason, Bill
Sent: Thur 6/8/2017 6:50:34 PM
Subject: RE: CPP Repeal - Docket

Fine. Works for me. Call me when you have a moment. Should be back at my desk by 3:30 pm. If you need help, feel free to reach out to others in PSG or Janet Eck. B

From: Steiner, Elyse
Sent: Thursday, June 08, 2017 2:48 PM
To: Lamason, Bill <Lamason.Bill@epa.gov>
Subject: CPP Repeal - Docket

Bill,

Just left you a VM. I'm working with Kevin on getting a new docket open for the CPP repeal action. It seems to make sense for me to be the docket POC, but Kevin wanted me to confirm that you are OK with that. I don't expect there to be large volumes for us to docket (OMB draft, final draft, RIA, etc.). I have an FDMS account, although it's been a long time since I've used it. Let me or Kevin know if you have any concerns.

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Eck, Janet
Sent: Wed 5/10/2017 5:23:30 PM
Subject: RE: Draft CPP documents

Thanks Elyse.

From: Steiner, Elyse
Sent: Wednesday, May 10, 2017 1:05 PM
To: Eck, Janet <Eck.Janet@epa.gov>
Subject: Draft CPP documents

See attached and on Sharepoint.

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

To: Keaveny, Brian[Keaveny.Brian@epa.gov]
From: Steiner, Elyse
Sent: Thur 6/8/2017 7:58:06 PM
Subject: RE: CPP Repeal Docket

Enjoy your time off and Ex. 6 - Personal Privacy

From: Keaveny, Brian
Sent: Thursday, June 08, 2017 3:46 PM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: CPP Repeal Docket

Thanks Elyse. I appreciate the update. Having a folder on SharePoint for docket items sounds good.

I'm copying Alex Macpherson on this email since he'll be the one to update while I'm out of the office Ex. 6 - Personal Privacy

Best regards,

- Brian

—

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

From: Steiner, Elyse
Sent: Thursday, June 08, 2017 3:10 PM
To: Keaveny, Brian <Keaveny.Brian@epa.gov>
Cc: Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: CPP Repeal Docket

Brian,

I've talked with Kevin and Bill Lamason, my group leader, and will be taking on the role of POC for this docket. I'm in the process of completing the form now. I'll let you know when we have a docket number and I plan to add a folder on Sharepoint for docket items.

Elyse

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

To: Lamason, Bill[Lamason.Bill@epa.gov]
From: Steiner, Elyse
Sent: Thur 6/8/2017 6:52:12 PM
Subject: RE: CPP Repeal - Docket

OK, I'll call you after 3:30.

From: Lamason, Bill
Sent: Thursday, June 08, 2017 2:51 PM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: RE: CPP Repeal - Docket

Fine. Works for me. Call me when you have a moment. Should be back at my desk by 3:30 pm. If you need help, feel free to reach out to others in PSG or Janet Eck. B

From: Steiner, Elyse
Sent: Thursday, June 08, 2017 2:48 PM
To: Lamason, Bill <Lamason.Bill@epa.gov>
Subject: CPP Repeal - Docket

Bill,

Just left you a VM. I'm working with Kevin on getting a new docket open for the CPP repeal action. It seems to make sense for me to be the docket POC, but Kevin wanted me to confirm that you are OK with that. I don't expect there to be large volumes for us to docket (OMB draft, final draft, RIA, etc.). I have an FDMS account, although it's been a long time since I've used it. Let me or Kevin know if you have any concerns.

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

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(202) 343-9141

steiner.elyse@epa.gov

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Resources for the Future
Sent: Thur 3/30/2017 9:16:21 PM
Subject: RFF Connection: Trump's Climate Executive Order Puts US Climate Policy in Reverse

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Georgetown Climate Center
Sent: Wed 3/29/2017 7:59:48 PM
Subject: State Officials Respond to Trump's Climate Executive Order

State Officials Respond to Trump's Climate Executive Order

News and Updates

State Officials Respond to Trump's Executive Order that Seeks to Reverse Federal Climate Policy

Following yesterday's executive order by President Donald Trump that directs a review of the Clean Power Plan and rescinds other federal actions that sought to curb carbon pollution and prepare for climate change impacts, many states pledged to continue moving forward with their leadership on climate, clean energy, and adaptation.

Governors, attorneys general, and other senior state officials from 19 states and the District of Columbia reaffirmed their commitment to climate action. See the link below to statements from senior officials representing California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Iowa, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

The Georgetown Climate Center is tracking responses to the executive order on our website.

READ STATE STATEMENTS HERE

About Trump's Executive Order

The executive order:

- Directs EPA to review - and revise or rescind - the Clean Power Plan, a rule to reduce carbon pollution from existing power plants, as well as a companion rule to reduce carbon pollution from new power plants.
- Reverses requirements that agencies consider the risks posed by climate change to their missions, programs and facilities, which will undermine the ability of the federal government to prepare for future impacts.
- Directs the Council on Environmental Quality to rescind its guidance on incorporating consideration of climate change into environmental reviews under the National Environmental Policy Act.
- Directs EPA to review - and revise or rescind - its rule on reducing methane emissions from new sources in the oil and gas industry.
- Recinds the federal government's "social cost of carbon" metric.
- Lifts all moratoria on federal land coal leasing activities.

Georgetown Climate Center, 600 New Jersey Avenue, NW, Washington, DC 20001
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Sent by climate@law.georgetown.edu

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: Carol Werner, EESI
Sent: Tue 3/28/2017 8:47:26 PM
Subject: News Release: Trump Administration Climate Rollback Is Wrong on Many Levels

We are deeply disappointed that the Administration would seek to roll the clock back on the reduction of greenhouse gas emissions

Trump Administration Climate Rollback Is Wrong on Many Levels

For more information, contact: **Brian La Shier** at (202) 662-1892 or blashier@eesi.org

Tuesday, March 28--The White House announced today that it is retracting the Clean Power Plan, the Obama Administration's signature climate policy. The Clean Power Plan would have represented the first-ever federal limits on carbon emission from power plants, which represent 40 percent of all energy-related greenhouse gas emissions in the United States.

Below is a statement by **Carol Werner**, Executive Director of the Environmental and Energy Study Institute (EESI).

We are deeply disappointed that the Administration would seek to roll the clock back on the reduction of greenhouse gas emissions. This flies in the face of the Supreme Court decision that the EPA has authority under the Clean Air Act to regulate such emissions. It also flies in the face of the global community, whose nations have made it clear that taking action to mitigate climate change and address its impacts is a critical responsibility for all governments on behalf of their citizens.

This comes at a time when bipartisan public opinion is strongly in favor of addressing climate change and embracing renewable energy and energy efficiency. It comes at a time when local governments and so many of our universities and businesses have stated their concerns about climate change and committed their own institutions to take the lead in reducing

emissions. The trends are clear: a transition is underway as companies and communities move toward a cleaner energy economy.

President Trump's Executive Order directs federal agencies to suspend, review, or retract policies that hinder the use or production of domestic energy resources, ***unless they promote economic development or are deemed necessary for the public interest****. We would submit that the Clean Power Plan clearly makes the grade. Reducing emissions from the burning of fossil fuels is in the public interest: not only do these emissions cause climate change (i.e., extreme weather and rising sea levels), they also release harmful chemicals into the atmosphere that directly impact air quality and public health. The Clean Power Plan also gives a boost to the industries of the future, renewable energy and energy efficiency, which are creating hundreds of thousands of domestic jobs* [see www.eesi.org/jobs2017 for more information].

There are enormous costs for failing to act--economic costs, environmental costs, and public health costs. What kind of nation will we be: a leader, or an obstructionist?

For more information, contact Brian La Shier at blashier@eesi.org or (202) 662-1892.

About Us

The ***Environmental and Energy Study Institute (www.eesi.org) is an independent, non-profit organization advancing innovative policy solutions to set us on a cleaner, more secure and sustainable energy path. EESI educates policymakers, builds coalitions and develops policy in support of energy efficiency, renewable energy, sustainable biomass, sustainable buildings, and sustainable transportation. EESI was founded by a bipartisan Congressional caucus in 1984, and its strong relationship with Congress helps EESI serve as a trusted source of credible, non-partisan information on energy and environmental issues. EESI receives no congressional funding and is supported through contributions and grants.***

www.eesi.org

Environmental and Energy Study Institute
Carol Werner, Executive Director

EESI is an independent 501(c)(3) non-profit organization established in 1984 by a bipartisan Congressional caucus to provide timely information and develop innovative policy solutions that set us on a cleaner, more secure and sustainable energy path.

CFC #10627

Environmental and Energy Study Institute, 1112 16th Street, NW, Suite 300, Washington, DC 20036

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Sent by eesi@eesi.org

To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: SNL Alerts
Sent: Tue 3/28/2017 12:24:43 PM
Subject: Feature Alert - The Daily Dose: Trump seeks to undo Obama's climate legacy; Midstream set to fine-tune holdings

You received this email because you have a real-time alert for Feature Alert.

The Daily Dose

The Daily Dose: Trump seeks to undo Obama's climate legacy; Midstream set to fine-tune holdings

3/28/2017 8:12 AM ET
By Nephele Kirong

EXCLUSIVE

Top News

With a stroke of the pen, Trump seeks to erase Obama's environmental legacy

President Donald Trump will sign a sweeping executive order March 28 aimed at dismantling his predecessor's programs to limit climate change and protect the environment. The order will target a number of President Barack Obama's executive orders, guidance and other directives that set out a plan for reducing greenhouse gas emissions from the coal, oil and gas, and power sectors.

Touring Yucca Mountain, energy secretary ruffles Nev. feathers

U.S. Energy Secretary Rick Perry visited Yucca Mountain, the proposed and long-delayed nuclear waste storage site, on March 27 without notifying Nevada's congressional delegation. In a statement, Rep. Dina Titus, D-Nev., lashed out at the U.S. Department of Energy chief and former Texas governor for his unannounced visit to the defunded deep geological repository, which the Trump administration wants relicensed and opened to dispose of spent fuel currently stored at nuclear power plants across the country.

After a year of mega-deals, midstream industry set to fine-tune holdings in 2017

Mega-mergers and acquisitions dominated midstream energy sector headlines in 2016, but smaller-scale infrastructure deals appear poised to steal the M&A spotlight in 2017. Industry experts expect to see more simplifications, drop-downs and asset acquisitions in 2017, but of a different size.

Warrior adds $190M special distribution to IPO filing

Warrior Met Coal LLC disclosed in a recent amendment to its registration statement that it would distribute an aggregate of $190.0 million to unit holders. The March 27 amendment to the company's registration states the company entered into an amendment of its asset-based revolving credit agreement March 24. The amendment modified the Warrior's restricted payment covenant to allow the company "improved flexibility" to pay dividends including a new special distribution.

Power

* Morgan Stanley Research North America analysts downgraded Exelon Corp. to "equal-weight" from "overweight" and revised the price target to $37 from $40 analysts after the brokerage's commodity team reduced the 2017-2018 gas price forecast and slashed the long-term Henry Hub outlook by 27% to $2.75/MMBtu. However, Morgan Stanley Research maintained its "attractive" industry view of the diversified utilities and independent power producers, with Dynegy Inc. remaining its top pick.

* More than 90 solar farms in South Carolina, accounting for 1,100 MW of generating capacity and $1.4 billion in capital investment, will be built in the next few years if the state enacts property tax relief proposed in the legislature, according to a solar trade group.

* During his recent visit to Washington, British Foreign Secretary Boris Johnson tried to convince the Trump administration to continue participation in the Paris climate accord and not pull the U.S. out of the accord, according to the *Financial Times*. "I'm not saying we're there yet," the *FT* quoted Johnson as saying. "But I think we're in a much better place than we were, say, six months ago in making that argument and I think we will succeed."

* U.S. District Judge Robin Rosenberg for the Southern District of Florida ruled that NextEra Energy Inc. is not entitled to tax refunds for nuclear waste disposal fees it paid to the U.S. Department of Energy. NextEra's suit was premised on a section of the Internal Revenue Code, covering net operating loss deduction. "In conclusion, assuming arguendo that the DOE's nuclear waste disposal equates to decommissioning under Section 172(f), Nextera has not met its burden to clearly establish it is entitled to a deduction under Section 172(f) because its payment of fees to the DOE allows for it to claim, in the DOE's stead, the act of nuclear waste disposal," said Rosenberg, who also ordered to close the case.

* New Jersey utility regulators and the PJM Interconnection have advised state lawmakers that a proposed study of nuclear credits eyed by Public Service Enterprise Group Inc. should address the impact of such credits on wholesale energy and capacity markets.

* Talen Energy Corp. is exploring the sale of its Talen Energy Services business line, as part of its strategy to divest noncore assets within its portfolio. Talen Energy Services is comprised of 11 mechanical contracting companies and it generated EBITDA of $22 million for the fiscal year ended Dec. 31, 2016.

* U.S. District Judge Michael Simon for the District of Oregon denied Portland General Electric Co.'s motion to dismiss a complaint by the Deschutes River Alliance that the company's Pelton Round Butte hydroelectric project has and continues to violate the Clean Water Act. The Deschutes River Alliance alleges that Portland General has "violated several of the requirements contained in the Water Quality Certification that are designed to ensure that discharges comply with all applicable state water quality standards."

* Infraestructura Energetica Nova SAB de CV, the Mexican unit of Sempra Energy, signed a 20-year contract to supply 110 MW of electricity from a new photovoltaic solar power plant to steel company DEACERO, according to a news release. The $115 million million project is expected to go online in the fourth quarter of 2018.

Natural gas/midstream

* Transcontinental Gas Pipe Line Co. LLC applied to FERC for authorization for its Northeast Supply Enhancement natural gas project, which would create 400,000 Dth/d of incremental transportation capacity to markets in the Northeast in time for the 2019-2020 winter heating season.

* By a vote of 35-10, Maryland state senators passed a bill that would ban hydraulic fracturing in the state, *The Baltimore Sun* reports. The bill now goes to Maryland Gov. Larry Hogan's desk for signature. Hogan had earlier indicated that he would sign the bill, which would make Maryland the second state to ban fracking.

* Saudi Arabia's government issued a royal order to reduce the tax rate for Saudi Arabian Oil Co., or Saudi Aramco, to 50% from 85% in a bid to woo investors ahead of its planned IPO next year, *The New York Times* reports. "The new tax rate will bring Saudi Aramco in line with international benchmarks," Saudi

Aramco President and CEO Amin Nasser said in a statement.

* The U.S. has exported a cumulative total of roughly 235 Bcf of LNG, almost all of it by tanker ships from Cheniere Energy Inc.'s Sabine Pass export terminal. Since producing its first cargo in February 2016, Sabine Pass has shipped LNG to 18 countries, according to U.S. Department of Energy data from February 2016 to January. Mexico was the largest importer, receiving a total volume over that period of about 41.5 Bcf. Chile was the next largest, with about 29.4 Bcf.

* The British Columbia Court of Appeal ruled against the city of Burnaby, saying the National Energy Board has the authority to limit enforcement of municipal bylaws, The Canadian Press reports. The board allowed Kinder Morgan Inc. to conduct field studies on Burnaby land for its Trans Mountain pipeline expansion project without the city's consent. However, the city served the company with notices of bylaw violations, according to the report.

* Standing Rock Sioux tribe representatives reportedly had a meeting with the Council on Ethics of Norway's sovereign wealth fund to discuss the Dakota Access pipeline, according to Reuters. The fund owns $248 million in bonds of project backer Energy Transfer Partners LP. Norway's largest bank DNB had recently decided to end its participation in the project.

* The Huu-ay-aht First Nations citizens voted in favor of a co-management relationship with Steelhead LNG for the company's proposed liquefied natural gas facility in their traditional territory in Sarita Bay on Vancouver Island's west coast. "This vote shows that our community is united and ready to sit at the table with Steelhead LNG as partners as this project moves forward," said Chief Councillor Robert Dennis Sr. in a statement.

* The Pennsylvania Department of Environmental Protection granted permits for two underground injection control wells in Elk and Indiana counties for disposal of wastewater associated with oil and natural gas production. The Elk and Indiana counties wells will be operated by Seneca Resources Corp. and Pennsylvania General Energy Co., respectively.

Coal

* As the coal sector prepares to welcome a long-awaited rollback of the Obama administration's Clean Power Plan, industry advocates are setting the stage for what comes next and in some cases, tempering expectations.

* Five South Korean utilities, including Korea Midland Power Co. Ltd. and Korea Southern Power Co. Ltd., agreed to purchase 1.5 million tonnes of coal from the U.S. for delivery in the third quarter of 2017, Reuters reporters.

* Duke Energy Kentucky Inc. awarded a 350,000-ton coal supply contract to an Alliance Resource Partners LP affiliate. Alliance Coal LLC will provide the utility with crushed coal under the contract term of Jan. 26 through Dec. 31, 2017, and the buyer has a plus or minus 20% quarterly tonnage flexibility.

* President Donald Trump's plan to lift a moratorium on federal coal leases may not benefit the coal industry in the near future amid a persistent downturn and less demand for the fuel in the power sector, Bloomberg News reports. "No one's looking for new coal reserves," Robert Godby, a professor of energy economics at the University of Wyoming, was quoted as saying. "The decline in coal demand has meant existing reserves will last a lot longer."

Commodities

* Following the release of updated parameters, analysts are fine-tuning their clearing price outlooks for the upcoming New York ISO installed capacity auction. Taking into account lower summer demand forecast across all zones in New York, equities analyst Julien Dumoulin-Smith from UBS Securities LLC said in a recent research note that he expects clearing prices in New York will decline on the year.

* Major U.S. term electricity markets posted mixed to predominantly lower moves during the week ended March 24 as the diminished demand associated with the arrival of spring countered increased fueling costs

brought by gains in gas futures.

* After ending the week's opening session down 2.4 cents at $3.052/MMBtu, NYMEX April natural gas futures continued to unwind overnight ahead of the Tuesday, March 28, open and options expiration at the close of business amid ongoing fundamental pressure. Changing hands from $3.012/MMBtu to $3.046/MMBtu, the contract moved 3.7 cents lower at $3.015/MMBtu at 7:02 a.m. ET (1102 GMT).

* Day-ahead power prices could be mixed to lower Tuesday, March 28, as diverging demand expectations for midweek collide with ongoing weakness at the natural gas futures complex. Easing 2.4 cents in the prior day, NYMEX April natural gas futures were working lower again early Tuesday ahead of the opening bell and the contract's expiration at the close of business this afternoon.

New from RRA

* The push is on for state-sponsored nuclear generation support. Plans put in place last year in New York and later in Illinois allowed uneconomic nuclear power plants new leases on life for helping contribute to those state's emissions control goals.

Quoted

"Southern Nevada is not a wasteland, and I will continue to fight to protect it from becoming a dangerous dumping ground," Rep. Dina Titus, D-Nev., said after Energy Secretary Rick Perry made an unannounced visit to the proposed Yucca Mountain nuclear waste depository site.

The day ahead

* The Senate Energy and Natural Resources Committee will hold a subcommittee hearing at 2:15 p.m. ET in Room 366 of the Dirksen Senate Office Building to examine cybersecurity threats to the U.S. electric grid and technology advancements to minimize such threats and to receive testimony on the Securing Energy Infrastructure Act.

* The U.S. House of Representatives Committee on Rules will meet at 3 p.m. ET in H-313 at The Capitol for a hearing on the emergency measure, EPA Science Advisory Board Reform Act of 2017.

* Westmoreland Coal Co. will hold its fourth-quarter 2016 earnings conference call at 4:30 p.m. ET.

* Early morning futures indicators pointed to a mixed opening for the U.S. equity markets. To view more SNL equity market indexes, click here. To view more SNL Energy commodities prices, click here.

The Daily Dose is updated as of 7:30 a.m. ET. Some links may require registration or a subscription.

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To: Steiner, Elyse[Steiner.Elyse@epa.gov]
From: SNL Alerts
Sent: Sat 2/25/2017 2:22:12 AM
Subject: SNL Evening Summary

MY SNL SUMMARY

News

TOP NEWS

Dynegy digs into debt reduction with likely asset sales
2/24/2017 6:11 PM ET -- Dynegy management on Feb. 24 highlighted several asset sales that it is considering, including combined-cycle gas-fired units in PJM and New England, and an additional peaker on the heels of its deal with LS Power Group, to further reduce debt.

LNG flowing, Cheniere reports 1st quarterly profit in years
2/24/2017 5:37 PM ET -- Cheniere Energy reported fourth-quarter net income of $149.5 million. It was the first time the company has turned a GAAP profit since the second quarter of 2010, according to S&P CapitalIQ data.

PSEG's net income takes hit from early closures of Mercer, Hudson units
2/24/2017 5:12 PM ET -- Public Service Enterprise Group Inc. reported a steep drop in net income in 2016 compared to 2015, in part because of the early retirements of two New Jersey fossil-fuel plants in mid-2017.

Propane prices continue to slide after export-driven surge in January
2/24/2017 4:56 PM ET -- The price of propane fell more than a penny per gallon in the week ended Feb. 24 as the market continued to recoil from the January surge. Exports reportedly weakened slightly, but pressure was mainly applied by warmer temperatures.

Ky. regulators to review cost of Kentucky Power's demand-side management program
2/24/2017 4:46 PM ET -- Instead of waiting for the company to file its next demand-side management program proposal, the Kentucky Public Service Commission has decided to begin to review the program immediately.

Bill in Nebraska would allow for review of state investments in fossil fuels
2/24/2017 4:27 PM ET -- A report on the state's fossil fuel and clean energy investments would be required under the bill.

March natural gas expires 1.0 cent higher on forecasts for cold
2/24/2017 4:18 PM ET -- March natural gas futures traded to a $2.670/MMBtu session high in its final day as the lead contract, but rolled off the board only modestly higher Friday, Feb. 24.

US power markets close truncated workweek with load support
2/24/2017 4:02 PM ET -- Daily power markets capped off a quiet Friday, Feb. 24, session with gains as values were propped up by expectations of strong Feb. 27 demand but with prices in other locations pressured by spot natural gas prices.

2/24/2017 3:58 PM ET -- S&P Global Market Intelligence presents a weekly rundown of recent executive management, board and regulatory changes in the energy industry.

Trump orders agencies to create regulatory reform task forces

2/24/2017 3:45 PM ET -- President Donald Trump signed an executive order directing the creation of a Regulatory Reform Task Force in each federal agency to review regulations for repeal or simplification.

MarketWeek: Analysts hold steady on FirstEnergy, Southern

2/24/2017 3:32 PM ET -- FirstEnergy this week detailed plans to seek support for nuclear assets it will likely sell. Southern management was grilled on delays plaguing its Vogtle and Kemper projects.

Court rejects local 'payment in lieu of taxes' deal for Cameron LNG

2/24/2017 3:31 PM ET -- A Louisiana appeals court affirmed a decision that invalidated a deal by local governing authorities that would have let Cameron LNG pay millions of dollars in fixed payments instead of taxes based on the fair market value of its LNG facility.

Pembina says Chevron processing deal could lead to billions in investment

2/24/2017 3:25 PM ET -- Pembina Pipeline said a deal with Chevron to develop natural gas infrastructure in the Duvernay shale play could spur billions of dollars in investment in pipelines and processing facilities that would be operated by the company.

Financial Focus: Avangrid, NiSource and Southern Co. jump ahead in a solid week for utilities

2/24/2017 3:17 PM ET -- Avangrid gained 6.4% this week through midday Friday. The stock reacted favorably to fourth-quarter 2016 adjusted earnings of 67 cents per share, above the consensus estimate of 64 cents per share.

RRA Regulatory Focus: NextEra CEO defends Oncor acquisition before Texas PUC

2/24/2017 2:46 PM ET -- NextEra Chairman and CEO James Robo addressed the Public Utility Commission of Texas regarding the proposed acquisition of Oncor.

Data Dispatch: Energy capital raises in 2017: Midstream sector continues brisk pace of raises

2/24/2017 2:35 PM ET -- The U.S. energy industry aggregate year-to-date capital raised reached $13.76 billion as of Feb. 15, according to S&P Global Market Intelligence data. The total comprises $8.89 billion of senior debt and $4.87 billion of common equity in 2017.

Oklahoma moves to delay release of new EPA chief's emails

2/24/2017 2:16 PM ET -- U.S. EPA Administrator Scott Pruitt's successor at the Oklahoma attorney general's office has asked for a delay in releasing thousands of emails subject to an Open Records Act Request.

Transco requests early service on part of 448,000-Dth/d Dalton project path

2/24/2017 2:09 PM ET -- Transcontinental Gas Pipe Line asked FERC's Office of Energy Projects to allow for interim natural gas transportation service on part of the path of its Dalton expansion project.

The Coal Scoop: Trump brings new hope to W.Va. mining; end of coal moratorium could aid PRB

2/24/2017 1:22 PM ET -- The 44th Annual West Virginia Mining Symposium opened with optimism among coal advocates, while analysts believe that the expected lifting of the controversial federal coal lease moratorium will bring yields to Powder River Basin producers.

MISO's take on regional export constraints slammed

2/24/2017 1:09 PM ET -- In comments and protests filed with FERC, entities took aim at the Midcontinent ISO's proposal for calculating the limits on power flows from MISO South to MISO Midwest that will apply during the grid operator's annual capacity auctions.

Great Plains anticipates Mo. PSC approval on Westar deal by Q2

2/24/2017 1:05 PM ET -- Great Plains Energy expects to secure all necessary approvals to acquire Westar by the second quarter of 2017, including that of Missouri regulators, who recently ordered the company to file a merger application.

Coal generation surges in December 2016, but loses annual market share battle

2/24/2017 12:51 PM ET -- Despite coal having provided most of the nation's electricity in December 2016, natural gas won the U.S. market share battle for the year.

Calif. utility parlays tax equity into solar asset ownership

2/24/2017 12:32 PM ET -- California-based Liberty Utilities (CalPeco Electric) will jointly own a 50-MW solar facility in a transaction where the utility is pairing with a tax equity investor to directly finance and own a solar asset.

Cheniere keeps eye on Japan as Sabine Pass enters 2nd year of LNG exports

2/24/2017 12:24 PM ET -- The path Japan takes as it restarts its nuclear fleet and transitions to a deregulated gas market could affect demand for U.S. LNG, a Cheniere analyst said at the LNG Summit in Houston.

The Gas Meter: Climate change at Trump's EPA

2/24/2017 12:21 PM ET -- In his first week on the job, U.S. EPA Administrator Scott Pruitt has proved to be a lightning rod for environmentalists and Democrats, even as his agency has given mixed signals about its attitude on climate change.

New report estimates Clean Power Plan repeal will cost $600B

2/24/2017 12:11 PM ET -- A new report from Energy Policy Solutions estimates the cost of a Clean Power Plan repeal could be as high as $600 billion in capital, fuel and O&M expenditures by 2050.

OTC market: Unseasonably warm weather drives US thermal coal market lower

2/24/2017 11:47 AM ET -- U.S. thermal coal prices headed mostly lower during the week that ended Feb. 23, as unseasonably warm weather brought natural gas prices lower.

Snowpack surplus fuels IDACORP's expectation of increased hydro

2/24/2017 11:47 AM ET -- Thanks to a cold, snowy winter in the Northwest, IDACORP Inc. expects its primary subsidiary, Idaho Power Co., to generate substantially more hydroelectric power in 2017 than in 2016, executives said on a Feb. 23 earnings call.

Judge: Administration change should not extend deadline for coal job evaluation

2/24/2017 10:57 AM ET -- A judge has ruled that a change of administration at the U.S. EPA does not fundamentally alter his order to conduct an evaluation of the impact Clean Air Act regulations have had on the U.S. coal industry.

AES, Alberta Investment Management to acquire sPower

2/24/2017 9:48 AM ET -- AES announced on Feb. 24 plans to grow its renewable portfolio to 9,552 MW from 8,278 MW by partnering with Alberta Investment Management Corp. to acquire solar developer sPower.

Construction starts on WhiteWater's 1.25-Bcf/d Delaware Basin gas line

2/24/2017 9:20 AM ET -- WhiteWater Midstream began construction of the Agua Blanca intrastate natural gas pipeline, which will serve producers and processors in the basin and offer transportation to Mexico.

Appeals court denies Blankenship request for rehearing

2/24/2017 9:05 AM ET -- A federal appeals court has denied former Massey Energy CEO Don Blankenship's request for a rehearing on the rejected appeal of his criminal conviction.

The Daily Dose: Dynegy unifies Ohio plant stakes; End of lease ban will benefit PRB producers

2/24/2017 8:23 AM ET -- Also in today's edition: Toshiba may consider Chapter 11 option for Westinghouse Electric; EPA is still pushing FERC to expand climate change analysis for gas projects; and Kentucky Power proposes a 'Coal Plus' program.

March gas seesaws ahead of week's closing session

2/24/2017 7:45 AM ET -- After ending the prior session up another 2.5 cents at $2.617/MMBtu, NYMEX March natural gas futures seesawed overnight ahead of the Friday, Feb. 24, open.

AM Power Report: Dailies could end week bolstered by load forecasts

2/24/2017 7:15 AM ET -- Price activity for day-ahead power delivery could be biased higher in the week's closing session Friday, Feb. 24, as market participants look to expectations for elevated demand coming off the weekend alongside gains for natural gas futures.

CAPITAL MARKETS

PG&E obtains $250M unsecured loan

2/24/2017 6:22 PM ET -- Pacific Gas and Electric announced that it obtained Feb. 23 an unsecured term loan of $250 million.

FuelCell registers securities worth $150M

2/24/2017 3:58 PM ET -- The specific purposes and the timing of the sales will be laid out in future filings.

Plains GP Holdings prices, upsizes notes offering

2/24/2017 11:50 AM ET -- Plains GP Holdings LP is set to sell 42,000,000 class A shares in an underwritten public offering expected to yield total gross proceeds of about $1.3 billion, upsized from the initial offering of 34,000,000 class A shares.

Cheniere's Sabine Pass to sell $800M of senior notes in private placement

2/24/2017 10:35 AM ET -- Sabine Pass Liquefaction is selling $800 million of 5.00% senior secured notes due 2037 in a private placement to pay capital costs incurred in constructing the five liquefaction trains of its Sabine Pass LNG export facility.

COMMODITIES

US rig count extends higher as rise in crude rigs offsets drop in gas

2/24/2017 3:23 PM ET -- The U.S. rig count continued to increase during the week ended Feb. 24, rising by three to a total of 754 rigs, data released from Baker Hughes Inc. show.

Nuclear update: Plant availability drops after McGuire 2 outage
2/24/2017 11:53 AM ET -- Total U.S. nuclear plant availability pulled lower early Feb. 24 to 90.88%, down from 92.42% on Feb. 23, but still slightly above the 90.53% reported on the same day in 2016.
US gas demand, supply slump in week to Feb. 22
2/24/2017 9:45 AM ET -- Natural gas demand and supply in the U.S. were lower amid warmer weather during the week that ended Feb. 22.

EARNINGS & GUIDANCE
Higher electric, gas sales drive MGE Energy's Q4 earnings higher
2/24/2017 1:18 PM ET -- The company reported fourth-quarter 2016 net income of $14.5 million, or 42 cents per share, up from $11.2 million, or 32 cents per share, in the prior-year period.
Great Plains Q4, FY'16 adjusted EPS tops analyst expectations
2/24/2017 1:01 PM ET -- Great Plains Energy said it will not be issuing full-year 2017 EPS guidance due to the anticipated closing of its acquisition of Westar Energy.
Northland Power posts higher Q4, FY'16 EBITDA
2/24/2017 11:44 AM ET -- Northland Power on Feb. 23 reported fourth-quarter 2016 adjusted EBITDA of C$277.1 million, compared to C$94.4 million in the fourth quarter of 2015.
Innergex reports higher Q4 earnings on expanded operations
2/24/2017 11:44 AM ET -- The company's Q4 results beat the S&P Capital IQ consensus estimate.
Alliant's 2016 EPS climbs 5%, Q4 results hit consensus
2/24/2017 10:37 AM ET -- Alliant on Feb. 23 reported fourth-quarter 2016 operating income of $99.9 million, compared to $79.2 million for the same period in 2015.
Pinnacle West's Q4 net income grows YOY on lower expenses
2/24/2017 10:24 AM ET -- Pinnacle West Capital reported fourth-quarter 2016 net income attributable to shareholders of $53.2 million, an increase from $41.1 million in the same quarter of 2015, thanks to lower operating expenses.
Westmoreland announces amendments to 2015, 2016 financial statements
2/24/2017 9:51 AM ET -- Westmoreland Coal Co. announced Feb. 24 that it will restate financial information resulting from changes in the accounting for its customer reclamation receivables.
Dynegy records $157M surge in FY'16 adjusted EBITDA
2/24/2017 9:51 AM ET -- Looking ahead, the company continues to target full-year 2017 adjusted EBITDA in the range of $1.20 billion to $1.40 billion and free cash flow in the range of $150 million to $350 million.
PSEG's FY'16 operating earnings remain flat but beat estimates
2/24/2017 9:40 AM ET -- PSEG's fourth-quarter 2016 operating earnings increased to $279 million, or 54 cents per share, from $255 million, or 50 cents per share, for the comparable quarter of 2015, the company reported Feb. 24.
Infrastructure investments, customer growth drive SJI's 2016 results
2/24/2017 8:55 AM ET -- South Jersey Industries Inc. reported fourth-quarter economic earnings of $33.2 million, or 42 cents per share, down from $43.2 million, or 62 cents per share, in the year-ago quarter.

ELECTRIC GENERATION
Energy producers lose bid to cut synfuels plant from Wyo. co-op's power rate
2/24/2017 5:33 PM ET -- Coal and gas producers lost a battle to remove more than $13 million in gasification plant expenses from a power cost adjustment charged to a small Wyoming electric cooperative.

ENVIRONMENT
Citing support for clean energy, North Carolina drops Clean Power Plan fight
2/24/2017 4:17 PM ET -- North Carolina drops out of Clean Power Plan litigation as state transitions to Gov. Roy Cooper's leadership.

IN THE BOARDROOM
Southwest Gas ups quarterly dividend 10%
2/24/2017 11:25 AM ET -- Southwest Gas Holdings' board of directors increased the quarterly common stock dividend to 49.5 cents per share from 45 cents per share.
Regency Centers, CBOE Holdings to join S&P 500; CyrusOne heads to S&P MidCap 400
2/24/2017 11:11 AM ET -- Additionally, Spectra Energy, which is being acquired by Enbridge, will be replaced on the S&P 500 by Incyte; and Equity One, which is being acquired by Regency, will be

replaced on the S&P MidCap 400 by Nu Skin Enterprises Inc.

INDUSTRY NEWS

Report: Trump to tap Kevin Hassett as chair of economic advisers council
2/24/2017 3:04 PM ET -- Hassett is one of Trump's top picks to chair his economic council.
Best of SNL: Energy editors' picks: Emails show EPA head's ties to fossil fuel industry
2/24/2017 12:30 PM ET -- SNL Energy editors' picks for the best stories for the week that ended Feb. 24.
Best of SNL: Energy, most read: Pruitt eyes Clean Power Plan withdrawal
2/24/2017 12:30 PM ET -- SNL Energy presents the most-read stories for the week ended Feb. 24.

MERGERS & ACQUISITIONS

Markets: Friday's Energy Stocks: Dynegy down, AEP up after plant swap deal
2/24/2017 6:19 PM ET -- Dynegy shares dropped 3.42% in slightly above-average trading volume to close out the week at $8.48. AEP shares gained 1.73%, however, to close at $67.15.
FERC approves tax equity acquisition in Okla. wind farm
2/24/2017 4:43 PM ET -- FERC has approved Bankers Commercial's request to sell tax equity stake to Firstar.
FERC clears TerraForm to sell Idaho and Okla. wind assets
2/24/2017 11:16 AM ET -- FERC cleared the proposed sale of wind assets owned by SunEdison through subsidiary TerraForm Private Holdings to Dutch companies DIF Infrastructure IV Cooperatief UA and DIF Management BV

PERSONNEL

Duke Energy adds former Edison International CEO to board
2/24/2017 10:32 AM ET -- The appointee will serve on the board's regulatory policy and operations, and finance and risk management committees.

PROJECT DEVELOPMENTS

FirstEnergy completes demolition of Ohio coal power plant
2/24/2017 6:28 PM ET -- FirstEnergy completed the demolition process of the 106-year-old coal-fired Lake Shore power plant in Ohio.

REGULATION, POLICY & LAW

Toshiba may file US electric unit for Chapter 11
2/24/2017 6:32 PM ET -- Battered by the cost of its nuclear reactor program, Toshiba might be thinking of filing Westinghouse Electric for bankruptcy.
Feds, states, tribes ask court to hold Peabody liable for Superfund site cleanup
2/24/2017 4:25 PM ET -- The federal government joined several states and Native American tribes in asking a bankruptcy court to hold Peabody Energy Corp. liable for cleaning up Superfund sites contaminated by a mining company it later acquired.

RENEWABLES

Md. wind developer appeals commission order denying permit
2/24/2017 5:44 PM ET -- Dan's Mountain Wind Force appealed an order from the Maryland Public Service Commission to deny a permit to a proposed 59.5-MW wind project in western Maryland.
Salt River to offer new renewable program to customers
2/24/2017 2:44 PM ET -- Salt River Project is introducing a new program which will allow customers to use solar or other renewable energy sources, by paying an additional 1 cent/kWh.

RRA NEWS

RRA Regulatory Focus: Va. regulators lower base ROE for VEPCO riders
2/24/2017 4:50 PM ET -- On Feb. 16, the Virginia SCC issued a preliminary order lowering the base ROE to be used in several of VEPCO's riders.
RRA Regulatory Focus: Unanimous settlement resolves all issues in Union Electric's Mo. rate case
2/24/2017 3:03 PM ET -- On Feb. 23, Union Electric and the parties to the company's pending the Missouri jurisdictional electric rate case filed a settlement calling for a $92 million rate increase.
RRA Regulatory Focus: Massachusetts regulation somewhat restrictive from investor viewpoint
2/24/2017 8:30 AM ET -- According to Regulatory Research Associates, an offering of S&P Global

Market Intelligence, the Massachusetts regulatory environment is somewhat restrictive from an investor viewpoint, as noted in a State Regulatory Review published Feb. 22.

Upcoming Events

EXPECTED EARNINGS RELEASES

AES	2/27/2017
NWN	2/27/2017
OKE	2/27/2017
OKS	2/27/2017
SWX	2/27/2017
TCP	2/27/2017
WNRL	2/27/2017
AM	2/28/2017
CNP	2/28/2017
CPK	2/28/2017
HIFR	2/28/2017
Itron Inc.	2/28/2017
LNG	2/28/2017
MCEP	2/28/2017
NRG	2/28/2017
NYLD.A	2/28/2017
ORA	2/28/2017
PNM	2/28/2017
SRE	2/28/2017
VSN	2/28/2017

CONFERENCE CALLS

Northwest Natural Gas Co. (NWN)	2/27/2017 11:00 AM ET
(866) 267-6789	
AES Corp. (AES)	2/27/2017 9:00 AM ET
(888) 317-6003 0110900	
TC PipeLines LP (TCP)	2/27/2017 10:00 AM ET
(866) 223-7781	
NRG Energy Inc. (NRG)	2/28/2017 8:00 AM ET
NRG Yield (NYLD.A)	2/28/2017 9:15 AM ET
Cheniere Energy Inc. (LNG)	2/28/2017 11:00 AM ET
ONEOK Inc. (OKE)	2/28/2017 11:00 AM ET
(888) 297-0339 8270677	
ONEOK Partners LP (OKS)	2/28/2017 11:00 AM ET
(888) 297-0339 8270677	
CenterPoint Energy Inc. (CNP)	2/28/2017 11:00 AM ET
PNM Resources Inc. (PNM)	2/28/2017 11:00 AM ET
(877) 276-8648	
InfraREIT Inc. (HIFR)	2/28/2017 1:00 PM ET
(855) 560-2576 10100565	
Sempra Energy (SRE)	2/28/2017 12:00 PM ET
(888) 203-1112 5358106	
Western Refining Logistics LP (WNRL)	2/28/2017 3:00 PM ET
(844) 831-3028 49159984	
Itron Inc.	2/28/2017 5:00 PM ET
(888) 203-1112 8093200	

COMPANY MEETINGS

No upcoming company meetings have been posted since your last summary was sent.

INDUSTRY CONFERENCES

Simmons & Co 17th Annual Energy Conference	3/3/2017 - 3/3/2017
MIT Energy Conference	3/3/2017 - 3/4/2017
Raymond James Institutional Investors Conference	3/5/2017 - 3/8/2017
NECA 2017 Renewable Energy Conference	3/6/2017 - 3/6/2017
CERI Oil & Gas Symposium	3/6/2017 - 3/7/2017
Infocast 20th Annual Transmission Summit	3/6/2017 - 3/8/2017
Infocast Ballast Water Management Summit	3/6/2017 - 3/8/2017
IRMI Energy Risk & Insurance Conference	3/6/2017 - 3/8/2017
OPIS 7th Annual NGL Summit 2017	3/6/2017 - 3/9/2017
IHS Energy CERAWeek 2017	3/6/2017 - 3/10/2017
EMI Natural Gas Fundamentals	3/7/2017 - 3/7/2017
ACC Spring Coal Forum	3/7/2017 - 3/9/2017
EMI Intro to Energy Trading for the Non-Trader	3/8/2017 - 3/8/2017
MUFG Oil & Gas Corporate Access Day	3/8/2017 - 3/8/2017
EUCI Introduction to Rate Design for Electric Utilities	3/8/2017 - 3/9/2017
S&P Global Principles of Valuation in the Power Sector	3/8/2017 - 3/9/2017
Wells Fargo Securities Energy Fundamentals Forum	3/8/2017 - 3/9/2017
WEI Customer + Corporate Symposium	3/8/2017 - 3/10/2017
EMI Introduction to Energy Trading & Hedging	3/9/2017 - 3/10/2017
FirstEnergy Capital East Coast energy Symposium	3/9/2017 - 3/10/2017
Roth Capital Partners 29th Annual ROTH Conference	3/12/2017 - 3/15/2017
WEI Hands-On Relay School	3/12/2017 - 3/17/2017
EUCI Introduction to Wholesale Electricity Markets	3/13/2017 - 3/14/2017
Euromoney Latin American Energy & Infrastructure Finance Forum	3/13/2017 - 3/14/2017
SGA Spring Gas Conference & Expo	3/13/2017 - 3/15/2017
UBS Securities EIFFEL 2017 Utilities Conference	3/14/2017 - 3/15/2017
Moody's Power and Renewable Energy Conference	3/15/2017 - 3/15/2017
ACORE National Renewable Energy Policy Forum 2017	3/15/2017 - 3/16/2017
DUG Rockies	3/15/2017 - 3/17/2017
JPMorgan Public Fin Transportation & Utility Investor Forum	3/16/2017 - 3/17/2017
LSI Electric Utility Rate Cases	3/16/2017 - 3/17/2017
DNV GL Energy Executive Forum	3/16/2017 - 3/19/2017

New Events

EXPECTED EARNINGS RELEASES

FELP	3/1/2017
SPKE	3/2/2017
KEY	5/9/2017
ALA	7/27/2017

CONFERENCE CALLS

Keyera Corp. (KEY)	5/10/2017

COMPANY MEETINGS

Martin Midstream Partners LP (MMLP)	3/23/2017 2:30 PM ET
Analyst/Investor	
Arch Coal Inc. (ARCH)	5/4/2017
Annual Shareholder	
Entergy Corp. (ETR)	5/5/2017
Annual Shareholder	
Pinnacle West Capital Corp. (PNW)	5/17/2017
Annual Shareholder	
SemGroup Corp. (SEMG)	5/17/2017
Annual Shareholder	

ONEOK Inc. (OKE)
Annual Shareholder

INDUSTRY CONFERENCES

Barclays Investment Grade Energy & Pipeline Conference	3/2/2017 - 3/2/2017
JPMorgan West Coast Energy Infrastructure/MLP 1x1 Forum	3/23/2017 - 3/23/2017

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S&P Global Market Intelligence, 55 Water Street, New York, NY 10041

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Mon 7/17/2017 3:30:00 PM
End Date/Time: Mon 7/17/2017 4:00:00 PM

To: Zenick, Elliott[Zenick.Elliott@epa.gov]
From: Steiner, Elyse
Sent: Thur 6/29/2017 2:02:52 PM
Subject: RE: CPP Next Steps

Where is it? I can come up an open the line. Kevin is calling in.

From: Zenick, Elliott
Sent: Thursday, June 29, 2017 9:58 AM
To: Jordan, Scott <Jordan.Scott@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: RE: CPP Next Steps

All can we meet in Lorie's office instead? Thanks.

From: Jordan, Scott
Sent: Thursday, June 29, 2017 8:32 AM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: Re: CPP Next Steps

Do we have a call-in number for this call?

If you like, we could use mine:

Call: Ex. 6 - Personal Privacy

Conf Ext: Ex. 6 - Personal Privacy

Participant Code: Ex. 6 - Personal Privacy

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Steiner, Elyse
Sent: Wednesday, June 28, 2017 2:10 PM
To: Steiner, Elyse; Culligan, Kevin; Zenick, Elliott; Jordan, Scott; Skinner-Thompson, Jonathan
Subject: CPP Next Steps
When: Thursday, June 29, 2017 10:00 AM-10:45 AM.
Where:

Hopefully, we can keep it to 30 min.

Do you want to call in? Or we could meet in Steve Page's office (on 5th floor near Kevin)?

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Wed 7/19/2017 7:30:00 PM
End Date/Time: Wed 7/19/2017 8:00:00 PM

From: Steiner, Elyse
Location: Room 10258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Thur 7/13/2017 5:00:00 PM
End Date/Time: Thur 7/13/2017 5:30:00 PM

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Tue 7/11/2017 2:00:00 PM
End Date/Time: Tue 7/11/2017 2:30:00 PM

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Thur 7/6/2017 5:00:00 PM
End Date/Time: Thur 7/6/2017 5:30:00 PM

From: Steiner, Elyse
Location: Room 10258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Wed 6/28/2017 8:00:00 PM
End Date/Time: Wed 6/28/2017 8:30:00 PM

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Thur 6/29/2017 5:00:00 PM
End Date/Time: Thur 6/29/2017 5:30:00 PM

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Thur 6/22/2017 5:00:00 PM
End Date/Time: Thur 6/22/2017 5:30:00 PM

From: Steiner, Elyse
Location: Room 9258 New Executive Office Building
Importance: Normal
Subject: Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan
Start Date/Time: Mon 6/26/2017 6:00:00 PM
End Date/Time: Mon 6/26/2017 6:30:00 PM

To: Akram, Assem[Akram.Assem@epa.gov]
Cc: Eck, Janet[Eck.Janet@epa.gov]
From: Steiner, Elyse
Sent: Mon 6/12/2017 1:12:30 PM
Subject: RE: Docket creation form

[redacted]

Docket Creation Request Form_CPP Repeal.docx

Please see attached form to open a new docket. Thanks,

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

From: Akram, Assem
Sent: Wednesday, June 07, 2017 12:06 PM
To: Steiner, Elyse <Steiner.Elyse@epa.gov>
Subject: Docket creation form

Hi, Elyse –

Here is the docket creation form.

It seems that you still have an account in FDMS. If you need to reset your password, you can send an email to FDMS@EPA.GOV

Many thanks.

Assem

Assem Akram

Docket Manager

EPA Docket Center

Operated by AS Management Services

202-566-0226

akram.assem@epa.gov

To: Eck, Janet[Eck.Janet@epa.gov]
From: Steiner, Elyse
Sent: Wed 5/10/2017 5:04:52 PM
Subject: Draft CPP documents

[redacted]

DRAFT CPP Repeal OMB_Transmittal Memo.docx

DRAFT CPP Repeal Action Memo 042717.docx

See attached and on Sharepoint.

Elyse Steiner

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

U.S. EPA

(202) 343-9141

steiner.elyse@epa.gov

Sarah,

I have attached the proposed CPP repeal for your review. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks and feel free to call me if you want to discuss or would like more information.

Peter T. (919-541-9411)