

**To:** Personal Email/Ex. 6  
**From:** Hupp, Millan  
**Sent:** Tue 8/1/2017 2:04:44 AM  
**Subject:** Fwd: Run of Show and add'l docs  
[EPA Meetings.docx](#)  
[ATT00001.htm](#)  
[040617 The Honorable Donald J Trump.pdf](#)  
[ATT00002.htm](#)  
[Reg Reform.docx](#)  
[ATT00003.htm](#)

There is a run of show in here somewhere:

Sent from my iPhone

Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**To:** "Hupp, Millan" <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** Fwd: Run of Show and add'l docs

Sent from my iPhone

Begin forwarded message:

**From:** "Curtsinger, Rick (CPE)" <[Rick.Curtsinger@cldpk.com](mailto:Rick.Curtsinger@cldpk.com)>  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Reavey, Richard P. (CPE)" <[Richard.Reavey@cldpk.com](mailto:Richard.Reavey@cldpk.com)>  
**Subject:** Run of Show and add'l docs

Tate- Thanks again for your time today. I'm cc'ing Richard Reavey, CPE's Vice President for Public Affairs, who will be point for this with me being away.

Attached is a proposed run of show along with a list of regulatory policies impacting coal producers and the letter Colin Marshall, Cloud Peak Energy's President and CEO, sent to the Administration regarding the Paris agreement. I've pulled a few sections out of that letter for your review below:

“As you know, after eight years of concerted efforts to destroy our businesses, communities, and way of life, the U.S. coal industry is in poor shape. Actions taken by you, and by Congress, have already improved the outlook for coal producers by stopping several pending regulations and reversing regulations and executive orders that were making it increasingly difficult to run our mines. However, we still need your help. Critically, I am not aware of any utilities who have announced they are changing their existing coal plant closure plans since your election. After nearly a decade of being punished on a near daily basis for generating reliable, affordable energy from domestic coal, U.S. utilities are demoralized and avoiding investment in, maintaining, or improving their existing coal fleets, let alone considering building new plants. As the existing coal fleet is retired, so too will the mines that supply them and the jobs that they support, with devastating impacts on the communities that depend on them. To change that path requires utilities be given the regulatory certainty needed to make long-term investment decisions, and the financial incentives to make investments in coal and coal technology that will help maintain low cost reliable energy that supports so much of the U.S. economy. On the domestic front, this will require action by Congress to provide long-term certainty so it cannot be undone by any future administration.”

**“Create domestic regulatory predictability that allows long-term investment in coal technology so that coal is part of a long-term energy future that ensures prosperity while addressing Americans’ concerns about CO2 and climate.** We believe this is best achieved by amendments to the Clean Air Act that set meaningful, long-term reductions in CO2 emissions triggered by a technology standard that realistically determines when emissions reduction technologies are viable and commercially deployable. Accompanying such legislation must be an Energy Bill that creates the tools and incentives to achieve technology development and those emissions reductions, tools such as:

- Amendment and expansion of the 45Q Tax Credit for carbon capture and Enhanced Oil Recovery;
- Creation of Private Activity Bonds that will help markets finance technology innovation and deployment
- Extending the tax and equity benefits of Master Limited Partnerships to carbon capture projects
- Authorizing the Department of Energy to engage in Price Stabilization Contracts that diminish the volatility impact of oil price fluctuation on carbon capture projects built around Enhanced Oil Recovery
- Ensuring robust funding for Department of Energy Research and Development projects aimed at creating and making commercially available the

technology that will allow the capture, use and sequestration of carbon from coal and natural gas powered energy production and manufacturing.”

Let us know what else we can do to help.

All the best-

Rick

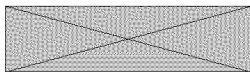
**Rick Curtsinger**

**Director Public Affairs**

Cloud Peak Energy Resources LLC

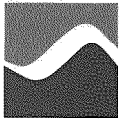
385 Interlocken Crescent, Suite 400 | Broomfield | CO 80021

Tel: 720.566.2948; Mob: 720.256.7781 | [Rick.Curtsinger@cldpk.com](mailto:Rick.Curtsinger@cldpk.com)



[www.cloudpeakenergy.com](http://www.cloudpeakenergy.com)

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**CLOUD PEAK**  
**ENERGY®**

**Colin Marshall**

President and Chief Executive Officer

April 6, 2017

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President,

Last week's Energy Independence Executive Order represented an extremely important delivery on your campaign pledge to help coal miners and coal communities across the country that everyone at Cloud Peak Energy deeply appreciates.

As you know, after eight years of concerted efforts to destroy our businesses, communities, and way of life, the U.S. coal industry is in poor shape. Actions taken by you, and by Congress, have already improved the outlook for coal producers by stopping several pending regulations and reversing regulations and executive orders that were making it increasingly difficult to run our mines. However, we still need your help. Critically, I am not aware of any utilities who have announced they are changing their coal plant closure plans since your election. After nearly a decade of being punished on a near daily basis for generating reliable, affordable energy from domestic coal, utilities are demoralized and avoiding investment in, maintaining, or improving their existing coal fleets, let alone considering building new plants. As the existing coal fleet is retired, so too will the mines that supply them and the jobs that they support, with devastating impacts on the communities that depend on them. To change that path requires that utilities be given the regulatory certainty needed to make long-term investment decisions, and the financial incentives to make investments in coal and coal technology that will help maintain low-cost reliable energy that supports so much of the U.S. economy. On the domestic front, this will require action by Congress to provide long-term certainty so it cannot be undone by any future administration.

As a coal producer, we do not want to ignore the two-thirds of Americans who believe that climate change is happening and that CO<sub>2</sub> emissions play a role. However, these concerns cannot be allowed to condemn this country, and the world, to energy poverty and economic malaise. Technology currently exists that can address climate concerns while allowing us to benefit from reliable, abundant natural resources like coal. With the right framework, this technology can be commercialized and deployed on a large scale. It's time for Republicans and Democrats in Congress to work together, with your guidance, to create such a framework.

We believe that you have the opportunity to not only lead here in the United States, but to also lead the world out of what UN climate policy author Richard Tol described as twenty-five years of climate policies that have been more about “rewarding allies with rents and subsidies rather than emissions reduction ... twenty-five years of climate policy [that] has made most of us a little poorer ... and some of us a little richer.” U.S. leadership could take the world into a new era of global economic prosperity that also addresses concerns about climate and emissions. That leadership requires engagement. We have seen a recent letter by North Dakota Congressman Kevin Cramer that urges you to keep the U.S. in the Paris Agreement on climate while reducing the nation’s pledge on emissions reductions that would have caused significant economic damage to the U.S. economy. We strongly support the approach outlined in Representative Cramer’s letter and believe it promotes a prosperity-focused approach to addressing climate concerns. With last week’s Energy Independence Executive Order to begin unwinding the Obama-era Clean Power Plan, you have already fulfilled your campaign pledge to remove the U.S. from the negative economic impact of the Obama administration’s unrealistic emissions reductions. By remaining in the Paris Agreement, albeit with a much different pledge on emissions, you can help shape a more rational international approach to climate policy.

Therefore, while recognizing and expressing our deep appreciation for the important steps you have already taken to help the U.S. coal industry, we request that you continue that leadership in the following ways:

**Create domestic regulatory predictability that allows long-term investment in coal technology so that coal is part of a long-term energy future that ensures prosperity while addressing Americans’ concerns about CO<sub>2</sub> and climate.** We believe this is best achieved by amendments to the Clean Air Act that set meaningful, long-term reductions in CO<sub>2</sub> emissions triggered by a technology standard that realistically determines when emissions reduction technologies are viable and commercially deployable. Accompanying such legislation must be an Energy Bill that creates the tools and incentives to achieve technology development and those emissions reductions tools, such as:

- Amendment and expansion of the 45Q Tax Credit for carbon capture and Enhanced Oil Recovery;
- Creation of Private Activity Bonds that will help markets finance technology innovation and deployment;
- Extending the tax and equity benefits of Master Limited Partnerships to carbon capture projects;
- Authorizing the Department of Energy to engage in Price Stabilization Contracts that diminish the volatility impact of oil price fluctuation on carbon capture projects built around Enhanced Oil Recovery;
- Ensuring robust funding for Department of Energy Research and Development projects aimed at creating and making commercially available the technology that will allow the capture, use and sequestration of carbon from coal and natural gas-powered energy production and manufacturing.

**Lead international institutions away from the climate policies of the past twenty-five years.** Without U.S. leadership, the failed international policies that have characterized the past twenty-five years will continue to predominate. Addressing climate concerns need not be a choice between prosperity or environment. Your leadership can create a global policy approach to energy and climate that allows for economic prosperity and addresses climate concerns by doing the following:

- While amending the U.S. pledge on CO<sub>2</sub> emissions to undo the economic harm it would have imposed, remain in the Paris Agreement and use U.S. influence to ensure that fossil energy remains a driver of global prosperity for the foreseeable future while addressing climate concerns;
- Ensure that OECD, UN, and other institutions adopt climate policies and tools that include the aggressive development and deployment of High Efficiency Low Emissions (HELE) and Carbon Capture Utilization and Storage (CCUS) technology in accordance with the same scientific and economic consensus that they claim demands action on climate;
- Work to amend the policies of the World Bank, and other multilateral development banks, to ensure their support for and financing of coal-powered utility projects that utilize HELE and CCUS technology;
- With the U.S. having already put \$1 billion into the Green Climate Fund, the U.S. should stay in the Paris Agreement to ensure that fossil energy projects that advance technology solutions to greenhouse gas emissions are a major focus for the fund.

We are deeply appreciative of your commitment to helping the coal miners of this country and the communities in which they live and work. You have already done much to stop the regulatory and policy onslaught of the Obama administration that was continually making coal mining more difficult. However, for the outlook for U.S. coal to improve, we need your continued leadership, and action by Congress, to create long-term solutions and the predictable regulatory environment that utilities and producers need to ensure fossil energy remains a driver of prosperity and a part of the answer to concerns about climate.

Thank you for all that you have done and for caring about the men and women who are the U.S. coal industry.

Yours sincerely,



Colin Marshall

The Honorable Donald J. Trump  
Page 4  
April 6, 2017

cc: The Honorable Rick Perry  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

The Honorable Steven Mnuchin  
Secretary of the Treasury  
Department of the Treasury  
1500 Pennsylvania Ave., NW  
Washington, DC 20220

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
Office 1101A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Mr. George David Banks  
Special Assistant to the President for International Energy and Environment

Mr. Michael Catanzaro  
Special Assistant to the President for Domestic Energy and Environmental Policy

# Run of Show: EPA Administrator Visits Cloud Peak Energy's Broomfield Office

**Contact:** Richard Reavey, (720) 412-1582, [richard.reavey@cldpk.com](mailto:richard.reavey@cldpk.com); Rick Curtsinger, (720) 256-7781, [rick.curtsinger@cldpk.com](mailto:rick.curtsinger@cldpk.com)

**EPA:** Tate Bennett, (202) 329-3948, [Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)

**Location:** 385 Interlocken Crescent, Suite 400, Broomfield, Colorado 80021

## Thurs, August 3:

9:30amMT – Administrator Pruitt arrives to CPE office, greeted by Colin Marshall, President and CEO, Cloud Peak Energy, Bryan Pechersky, General Counsel and Executive Vice President, and Richard Reavey, Vice President Public Affairs; group moves to CPE Training Room for remarks and Q&A

9:35amMT – Colin Marshall introduces Administrator Pruitt for his remarks to CPE office employees, followed by limited Q&A

9:55amMT – After Q&A concludes, Administrator Pruitt, Colin Marshall and Bryan Pechersky move to Marshall's office for high-level discussion

10:25amMT – Administrator Pruitt departs CPE office

## Additional Notes:

We anticipate 20-30 employees will attend the Administrator's remarks. Cloud Peak Energy is headquartered in Gillette, Wyo., and maintains a corporate office in Broomfield where much of the company's finance and sales teams are located. These departments will make up the majority of those attending.

While Cloud Peak Energy's mine sites are almost solely regulated by the Department of the Interior, the company's customers, large-scale U.S. utilities, fall under EPA purview. The Clean Power Plan and Regional Haze issues have a significant impact on demand for Cloud Peak Energy's coal, most of which is federally leased.

Cloud Peak Energy produced 59 million tons of coal from its three mines in 2016. Electricity generated from that coal was the equivalent of nearly one hour of electricity each day for the United States last year.

## Cloud Peak Energy Input on Regulatory Reforms for Coal Industry

IMPACT	Law/Rule	Impact	Status	Comment
Indirect				
	Clean Power Plan NSPS – CO2	Power plants shut down/new plants not constructed	CO2 Final rules have been published, these set CO2 emission standards for new and existing power plants. For existing plants - Supreme Court has granted emergency stay which will remain in effect until the case reaches the Supreme Court. For new power plants – this standard is set to be heard in <i>State of North Dakota v. Environmental Protection Agency</i> , No. 15-1381 (D.C. Cir.). <b>Oppose CPP (litigant). Seek NSR Reform</b>	The D.C. Circuit on Aug. 30, 2016 issued an order setting an amended briefing schedule. Oral argument scheduled for April 7, 2017.
	Federal Reserve Environmental Risk Rule	Decreased liquidity in commodities markets	Proposed rule: “Regulations Q and Y; Risk-Based Capital and Other Regulatory Requirements for Activities of Financial Holding Companies Related to Physical Commodities and Risk-Based Capital Requirements for Merchant Banking Investments” <b>Oppose Rule: NMA Comments Attached</b>	Requires banks to put up billions of dollars in extra capital for investments such as coal to protect against purported legal, reputational and financial risks posed by an environmental accident
	Regional Haze Rule and FIPs for States	Used to pursue early closure of coal power plants	The expansion of the Regional Haze Rules under the Obama administration has gone far beyond protection of visibility and air quality, as do FIPs imposed on states. <b>These rules need review.</b>	EPA FIPs need to be curtailed and findings imposing FIPs rescinded.
Direct				
	Ozone Standards	Significant increase in non-attainment areas	EPA published a final rule on Oct. 26, 2015 that reduced the ozone NAAQS from 75 to 70 ppb. challenge to the final rule in the D.C. Circuit. <i>Murray Energy v. Environmental Protection Agency</i> , No. 15-1385 (D.C. Cir.). <b>Oppose Rule – want rescinded</b>	Other industry and state petitioners have filed challenges as have several environmental groups
	MSHA Overreach	Bloated bureaucracy with shrinking industry leads to over-zealous agency	MSHA requires a substantial right-sizing to match budget and staffing to a smaller industry. <b>Support Budget and Staffing Reform</b>	In looking for agency/budget cuts for defense and infrastructure spending, MSHA should be in the cross-hairs.
	OSMRE NOx Blasting Regs	Huge cost increases and	While OSMRE announced it would explore rule-making 80 Fed. Reg. 9,256 (Feb. 20, 2015), it does	

## Cloud Peak Energy Input on Regulatory Reforms for Coal Industry

		diminished efficiency	not appear to have completed new regs. <b>Oppose new regs on blasting.</b>	
	OSM NEPA Reviews	+ 2 yr delay in permit approvals, additional NGO exposure	Supplementary NEPA reviews have become standard practice to obtain mine plan approvals. <b>Pursue OSM Reform on NEPA</b>	Not a result of rule-making, de facto result of WEG litigation. OSM must fully engage in the BLM federal coal leasing NEPA process at the front end of mine development as opposed to adding an additional NEPA process at the end that unnecessarily adds time and uncertainty to the process.

**To:** Stephen Ciccone (TMNA)[stephen.ciccone@toyota.com]  
**Cc:** Bennett, Tate[Bennett.Tate@epa.gov]; Kim Rubin (TMNA)[kim.rubin@toyota.com]; McMurray, Forrest[mcmurray.forrest@epa.gov]  
**From:** Hupp, Millan  
**Sent:** Wed 8/2/2017 10:05:05 PM  
**Subject:** Re: Toyota visit -- need to finalize

Thank you, Stephen.

Sent from my iPhone

> On Aug 2, 2017, at 5:49 PM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:

>

> We will hold off on food. My EA, Kim Rubin, copied here, will arrange the walk through. No problem.

>

> Sent from my iPhone

>

>> On Aug 2, 2017, at 10:39 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:

>>

>> Stephen -- good afternoon. This timeline and rough agenda looks great.

>>

>> To Tate's point, the Administrator often will not eat at meetings but of course would take no offense to your bringing in lunch for the rest of the group. We shall leave that up to you.

>>

>> My colleague Forrest, copied here, will travel into Dallas on Wednesday, the 9th and will likely reach out to you in hopes of scheduling a time to do a walk-through of the location.

>>

>> Kindly let us know if there are any outstanding items we can address for you at this time. We look forward to meeting you next week.

>>

>> Thank you so much,

>> Millan

>>

>> Sent from my iPhone

>>

>>> On Aug 2, 2017, at 5:48 AM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:

>>>

>>> 6565 Headquarters Drive. Plano, TX.

>>>

>>> Sent from my iPhone

>>>

>>>> On Aug 2, 2017, at 10:32 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

>>>>

>>>> May we have an exact address?

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Aug 1, 2017, at 8:01 PM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:

>>>>>

>>>>> Ok. We will make that call later. Our folks won't starve if they have to wait until 1PM for lunch. We just don't want to be rude hosts.

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Aug 1, 2017, at 7:51 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

>>>>>>

>>>>> Hmm I think that would be fine but he doesn't do working lunches if he's speaking....but others could!  
>>>>>  
>>>>> Sent from my iPhone  
>>>>>  
>>>>>> On Aug 1, 2017, at 7:44 PM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:  
>>>>>>  
>>>>>> Agree on the press. Fine on the 45 minute blocks. Will get back to you on 11am start. If we do that time, can/should we add a casual lunch?  
>>>>>>  
>>>>>> Sent from my iPhone  
>>>>>>  
>>>>>>> On Aug 1, 2017, at 7:36 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:  
>>>>>>>  
>>>>>>> I think the 45 min each might be best. Is there a chance we can bump to 11 AM instead? Also, we'd ask you keep this a private event, closed to press.  
>>>>>>>  
>>>>>>> Sent from my iPhone  
>>>>>>>  
>>>>>>>> On Aug 1, 2017, at 6:32 PM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:  
>>>>>>>>  
>>>>>>>> Yes, we can lock in the afternoon of August 10.  
>>>>>>>>  
>>>>>>>> Run of show proposal (happy to edit if you guys have something else in mind)  
>>>>>>>>  
>>>>>>>> First hour: Tour of new campus with emphasis on environmental sustainability components.  
>>>>>>>>  
>>>>>>>> Second hour: Time with 5-8 Toyota executives to discuss issues ranging from the state of the auto industry, development and deployment of alternative fuel vehicles, CAFE, California ZEV mandate and any other issues of interest to the Administrator.  
>>>>>>>>  
>>>>>>>> If needed, we could cut both segments down to 45 minutes.  
>>>>>>>>  
>>>>>>>> Thank you.  
>>>>>>>> Stephen  
>>>>>>>>  
>>>>>>>> Sent from my iPhone  
>>>>>>>>  
>>>>>>>>> On Aug 1, 2017, at 5:46 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:  
>>>>>>>>>  
>>>>>>>>> Can we lock in an afternoon visit? Mind putting a potential run of show together? I can get you an exact time tomorrow.  
>>>>>>>>>  
>>>>>>>>> Sent from my iPhone  
>>>>>>>>>  
>>>>>>>>>> On Aug 1, 2017, at 3:01 PM, Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com> wrote:  
>>>>>>>>>>  
>>>>>>>>>> Any update?  
>>>>>>>>>>  
>>>>>>>>>>> -----Original Message-----  
>>>>>>>>>>>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]  
>>>>>>>>>>>> Sent: Monday, July 31, 2017 1:09 PM  
>>>>>>>>>>>> To: Morris, Madeline <morris.madeline@epa.gov>; Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com>

>>>>>>>>>> Cc: Hupp, Millan <hupp.millan@epa.gov>  
>>>>>>>>>> Subject: RE: Toyota visit -- need to finalize  
>>>>>>>>>>  
>>>>>>>>>> Hi Stephen! Is there a good number where I can give you a buzz?  
>>>>>>>>>>  
>>>>>>>>>> -----Original Message-----  
>>>>>>>>>> From: Morris, Madeline  
>>>>>>>>>> Sent: Monday, July 31, 2017 9:52 AM  
>>>>>>>>>> To: Stephen Ciccone (TMNA) <stephen.ciccone@toyota.com>  
>>>>>>>>>> Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
>>>>>>>>>> Subject: RE: Toyota visit -- need to finalize  
>>>>>>>>>>

>>>>>>>>>> Hi Stephen,  
>>>>>>>>>>  
>>>>>>>>>> Thanks for being patient with us as we figure out the schedule. I believe we are set for the 10th, and we are planning on sometime in the morning. I wanted to loop in Tate Bennett she heads up our External Affairs and Millan Hupp who heads up our Advance and Scheduling. They will circle back with you for more details.

>>>>>>>>>>  
>>>>>>>>>> I appreciate your help, and happy that we found something that worked!  
>>>>>>>>>>  
>>>>>>>>>> Best,  
>>>>>>>>>> Maddy  
>>>>>>>>>>  
>>>>>>>>>>  
>>>>>>>>>> Madeline Morris Executive Scheduler I Office of the Administrator I direct: 202-564-0844 I cell: 202-579-4283  
>>>>>>>>>>  
>>>>>>>>>>  
>>>>>>>>>>

>>>>>>>>>> -----Original Message-----  
>>>>>>>>>> From: Stephen Ciccone (TMNA) [mailto:stephen.ciccone@toyota.com]  
>>>>>>>>>> Sent: Saturday, July 29, 2017 8:32 AM  
>>>>>>>>>> To: Morris, Madeline <morris.madeline@epa.gov>  
>>>>>>>>>> Subject: Toyota visit -- need to finalize  
>>>>>>>>>>  
>>>>>>>>>> Maddy,  
>>>>>>>>>> I have some Toyota executives holding their calendars open for August 10 to host Administrator Pruitt. I'm not going to be able to keep the calendars held much longer. Can we finalize the date and time? We would very much like to host him. It's less than two weeks from now, so I'll need a time to be sure we can be proper hosts! Thanks.  
>>>>>>>>>> Stephen