

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 8/1/2017 2:04:58 PM
Subject: POLITICO's Morning Energy: EPA to get earful on corn ethanol — Court orders EPA to reinstate methane rule immediately — Trump finding tough balance on coal, nuclear — Mnuchin won't rule out blocking Venezuelan oil imports

By Alex Guillén | 08/01/2017 10:00 AM EDT

With help from Eric Wolff, Doug Palmer, Annie Snider and Esther Whieldon

RFS HEARING WILL BE POPPING LIKE CORN: EPA is throwing its annual Renewable Fuel Standard bash today, an all-day hearing for the agency to get feedback on its proposed rule that will set the amount of biofuel that must be blended into the nation's fuel supply. The agency kept the ethanol mandate at the legal maximum of 15 billion gallons, but it dramatically cut the amount of advanced biofuels, and it will surely get an earful on that.

A-listers of biofuels: EPA will hear from Iowa Gov. Kim Reynolds and Nebraska Gov. Pete Ricketts, Chris Bliley of Growth Energy, Bob Dinneen of the Renewable Fuels Association, Frank Macchiarola of the American Petroleum Institute, and Donnell Rehagen of the National Biodiesel Board. Reynolds, whose state leads the nation in ethanol production, will tell EPA she's glad they're on track for an on-time rule (they're actually a bit behind schedule). But "I urge the EPA to raise the advanced biofuel, biodiesel and cellulosic volumes. The RFS is a bold policy, and Iowans and the industry as a whole have always risen to the challenge," she plans to add.

If you go: L'affaire du RFS will be at the Hyatt Regency Washington, 400 New Jersey Avenue NW. It will start at 9 a.m. and end when everyone who wants to has had their say.

COURT REVIVES EPA METHANE RULE, AGAIN: The full D.C. Circuit Court of Appeals on Monday ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator Scott Pruitt's deregulatory agenda. A three judge panel reversed Pruitt's stay, but gave EPA time to appeal. The agency hasn't done so, but industry groups have. The court's order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately. More here.

For those keeping track at home: EPA's methane rule has been on, off, on again, off again, and now back on again. Plus, it's likely to be off again within a couple months, once Pruitt's proposed two-year hold is finalized - and then possibly back on following a new judicial review.

TRUMP STRUGGLES TO BOOST BOTH COAL, NUCLEAR: President Donald Trump has promised to revive the nuclear industry and put more coal miners back to work, but he is already finding it difficult to do both at the same time. Dueling announcements on Monday illustrated how difficult it will be for the Trump administration to square its support for nuclear power - whose main attribute is its ability to deliver reliable, carbon-free electricity - with its position that reducing carbon emissions are no longer a priority for the federal government. A

pair of South Carolina utilities said Monday that they would be pulling the plug on two unfinished new nuclear reactors; Santee Cooper, one of the companies, pointed out that "the current political landscape has reduced the urgency for emissions-free base load generation" among the reasons for the decision. That announcement came just a few hours after Trump Cabinet members trumpeted newly announced exports from a Pennsylvania coal mine to Ukraine, a deal the administration said it helped to negotiate. Darius Dixon [explains it all](#).

HAPPY TUESDAY AND WELCOME TO AUGUST. I'm your special guest host Alex Guillén. The NRDC's Joan Matthews was first to correctly name all five former presidents who were the same height as Trump (6 feet, 2 inches): George Washington, Chester A. Arthur, Franklin D. Roosevelt, George H.W. Bush and Bill Clinton. For today: How many presidents were born in August, and how many have died in August? Sadly, my time as guest ME host was even shorter than Anthony Scaramucci's time as White House communications director, so please welcome your guest host for the rest of the week, Annie Snider. Send your tips, energy gossip and comments to asnider@politico.com. Or follow us on Twitter [@AnnElizabeth18](#), [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

MNUCHIN WON'T RULE OUT BLOCKING VENEZUELAN OIL IMPORTS: After taking the dramatic step Monday of [slapping sanctions](#) on Venezuelan President Nicolás Maduro, the Trump administration kept open the possibility of also shutting down oil trade with the South American country to punish Maduro's government. The U.S. "will continue to monitor the situation and consider additional sanctions," Treasury Secretary Steven Mnuchin said told reporters at a White House briefing Monday, one day after what U.S. officials called a sham election to give the Venezuelan government sweeping new powers.

The United States imports about 700,000 to 800,000 barrels per day of Venezuelan heavy crude oil to refineries in Texas, Louisiana and Mississippi. It also exports about 30,000 barrels per day of oil to Venezuela for blending with the heavier product. Mnuchin deflected questions on whether the Trump administration could impose an embargo on oil imports from Venezuela or shut down U.S. oil exports to the country. "This president is not going to advertise what he's going to do in the future. So, all options are on the table and we will consider everything," Mnuchin said.

BERNHARDT STARTS AT INTERIOR TODAY: Today is former lobbyist David Bernhardt's first day as Interior Deputy Secretary. Bernhardt had worked at Interior in several roles, including solicitor, during the George W. Bush administration and was a lobbyist for Westlands Water District.

TRUMP PICKS HEALTH COMPANY LAWYER FOR KEY INTERIOR POST: President Donald Trump plans to nominate Ryan Nelson to be the Interior Department's solicitor, its top lawyer and third in command. Nelson since 2009 has been general counsel for Idaho-based Melaleuca, an online "wellness shopping club." Nelson previous was the deputy assistant attorney general for the Environment and Natural Resources Division and a lawyer at the Office of Management and Budget. Melaleuca CEO Frank VanderSloot is a noted GOP donor who at first clashed with Trump on the campaign trail (even garnering a [scornful tweet](#) when he initially backed Marco Rubio) before backing Trump after he secured the GOP nomination. Donald

Trump Jr., who has shown influence over and interest in Interior nominees, then visited the company last September.

Trump will also nominate John Henderson to be assistant secretary of the Air Force for installations, environment and energy, the White House said. Henderson previously commanded the Army Corps of Engineers' Omaha district, where he oversaw work related to the Dakota Access pipeline - and recommended its approval under the Obama administration.

API: BORDER TAX, SHMORDER TAX, AS LONG AS WE PROMOTE GROWTH: API CEO Jack Gerard told ME Monday he was pleased Republicans in Congress and the White House had agreed to drop a border adjustment tax from plans to rewrite the tax code. He instead wants tax writers to give oil and gas companies the means to recoup their investments quicker with tools like accelerated depreciation. "We're encouraged they listen to the public and the consumers, leaving behind the border adjustment tax," he said. Gerard believes a pro-growth tax policy would replace the lost income from the proposed BAT. "The best tax policy is a job creation policy. If you want to grow taxes, you want people who are in a position to pay taxes." Gerard was touting a report sponsored by API that showed the oil and gas industry supported millions of jobs and added billions of dollars to the economy.

KOCH BACKS PRO-MORRISEY SUPER PAC IN WEST VIRGINIA: Koch Industries has been a major early contributor to a super PAC supporting West Virginia Attorney General Patrick Morrisey's campaign to challenge Sen. Joe Manchin. The group, 35th PAC, which was formed to boost Morrisey against his key Republican opponent, Rep. Evan Jenkins, reported to the FEC Monday that \$10,000 of the \$20,500 it raised as of the end of June came from Koch Industries. Koch is a contributor to the Republican Attorneys General Association, where Morrisey is currently chairman, and Morrisey is one of the most frequent challengers of Obama-era environmental regulations. Morrisey's actual campaign was only formed a couple of weeks ago and hasn't filed any FEC reports yet. Jenkins' campaign, meanwhile, has about \$1.2 million thanks to his previously existing House campaign chest and more than \$680,000 in donations this year.

CONTENTIOUS ASIAN CARP STUDY COMING NEXT WEEK: The Army Corps of Engineers has alerted lawmakers it will release a draft plan for halting the spread of dangerous Asian carp into the Great Lakes on Aug. 7. The study was originally due out Feb. 28, but was put on hold by the Trump administration amid concerns from the barge industry that it could hamper navigation between Lake Michigan and the Mississippi River. Both Republican and Democratic lawmakers have been pushing for the study's swift release, through methods including policy riders inserted in pending appropriations measures.

THE POSTMAN ALWAYS RINGS THRICE: Letters from ME's mailbag.

FERC quorum: The Electric Reliability Coordinating Council would very much like the Senate to approve the nominations of Robert Powelson and Neil Chatterjee to seats on FERC to get the commission back to a quorum. The group says \$50 billion in capital is "hamstrung" in projects requiring FERC approval, with another \$25 billion starting applications. "Every week's delay compounds the problem as seasonal windows for pipeline analyses close and potential for energy

price spikes increase," wrote ERCC Director Scott Segal.

'Red team' climate science review: The American Association for the Advancement of Science and 15 other science groups have asked for a meeting with EPA Administrator Scott Pruitt to talk over his forthcoming "red team" climate science review program. The existing peer review system is already "a multi-dimensional, competitive "red team/blue team" process whereby scientists and scientific teams are constantly challenging one another's findings for robustness," they write.

Monuments: The Northwest Guides and Anglers Association wants Interior Secretary Ryan Zinke to leave the Cascade-Siskiyou National Monument in Oregon and California intact.

GROUP LAUNCHES ZINKE-TARGETED ADS: The watchdog group Center for Western Priorities is launching a six-figure ad buy today pressuring Zinke against shrinking or revoking any national monuments. The spot will air in Washington starting today, with an online campaign running through the month.

Another watchdog group, the Western Values Project, will launch a website today cataloguing "the revolving door between special interest lobbyists and political appointees at the Department of the Interior." WVP's "Department of Influence" site has found 21 political appointees with backgrounds in oil, gas, coal or another resource extraction industry and three with conservation or recreational backgrounds. A dozen served in the Trump campaign.

INTERIOR SAW 79 NEW EMPLOYMENT DISCRIMINATION COMPLAINTS: The Interior Department on Monday posted its fiscal 2017 third quarter report on employee and job applicant discrimination complaints. In the last quarter, during which Interior Secretary Ryan Zinke was in office, the agency received 79 new complaints, 58 percent of which involved retaliation allegations. A former Interior senior staffer filed a whistleblower retaliation complaint earlier this month. The agency has received 260 discrimination complaints thus far this fiscal year. The numbers are largely in line with the data from the past five fiscal years.

ENVIRO ATTORNEY RUBIN DIES: Noted Washington energy attorney Jim Rubin died Friday just weeks after being diagnosed with cancer, reports Greenwire. Rubin spent almost 15 years at DOJ working on environmental trial issues and on a Clinton-era climate change task force. He spent the last decade at several D.C. law firms, most recently Dorsey & Whitney.

LOS ANGELES OLYMPICS PUT PRESSURE ON CITY POLLUTION: Los Angeles reached a deal with the IOC to host the 2028 Summer Olympics, giving the city about a decade to work on its historically high levels of smog and other pollution the world's athletes will be sucking into their lungs. The American Lung Association says Los Angeles has the worst smog pollution of any U.S. city, and despite significant strides in recent years, the area has a long way to go, ALA's Bonnie Holmes-Gen told ME. "In some parts of LA, we have over 140 bad air days every year," she said. "The good news is there are a lot of important initiatives underway. But the state of California and the South Coast air district need to step up the work to move away from polluting fossil fuels, which is the No. 1 cause of pollution in the LA region."

Smog-choked cities have hosted Olympics before - Beijing in 2008, for example. But China resorted to some serious steps to clear the skies for the games, including shutting down factories and construction projects and limiting car usage, none of which would likely go over well in La La Land. That may help temporarily, but Los Angeles' smog chronically plagues millions of residents. Coincidentally, Beijing organizers learned some of their smog reduction techniques from the 1984 Olympics in Los Angeles, when car-crazy L.A. implemented new vehicle restrictions and longtime residents were astounded to see haze clear and reveal mountain ranges.

MOVER, SHAKER: Vince Griffin is the new executive director of Indiana Advanced Energy Economy, the state branch of the national group with a similar name that promotes renewables and other advanced energy technologies. Griffin retired last year from the Indiana Chamber of Commerce, where he was vice president of energy and environmental policy.

Morning read: FERC has issued new guidelines for "reporting on culture resources investigations for natural gas projects," for compliance with laws protecting historic and preserved sites.

QUICK HITS

- Billionaire Behind the Dakota Access Is 'Baffled' by Complaints About His New Pipeline. Bloomberg
- Californians urged to save energy during solar eclipse. Fox News
- Alphabet Wants to Fix Renewable Energy's Storage Problem - With Salt. Bloomberg
- Devon Energy sells shale oil assets in Texas. USA Today
- Big Oil weighs in on Texas 'bathroom bill,' warning it will threaten state's economy. Los Angeles Times
- Suicides of nearly 60,000 Indian farmers linked to climate change, study claims. Guardian

THAT'S ALL FOR ME.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 10/4/2017 2:08:37 PM
Subject: POLITICO's Morning Energy, presented by Chevron: Pruitt's flight, meeting habits raise eyebrows — Four EPA nominees get hearings today — Bishop sends broad letter on Zinke's travel habits

By Anthony Adragna | 10/04/2017 10:00 AM EDT

With help from Alex Guillén, Eric Wolff, Darius Dixon and Ben Lefebvre

SCRUTINY MOUNTS OF PRUITT'S HABITS: Critics of EPA Administrator Scott Pruitt increasingly see a chief who avoids contact with the broader public and distrusts even his own agency's career staff, opting instead for meetings with like-minded industry and political leaders that could prove useful in a future political run, Pro's Emily Holden and Alex Guillén [report](#). The Trump administration doesn't consider Pruitt's \$58,000 in charter and military flight expenses to be as troubling as former HHS Secretary Tom Price's and now consider the controversy resolved after Price's [resignation](#) last week, one administration official said.

Environmentalists and other critics say Pruitt's spending is at best tone-deaf given agency budget reductions and at worst speaks to paranoia. Christine Todd Whitman, a Republican who ran EPA during President George W. Bush's first term, said she recalls taking chartered planes only while visiting remote areas of Alaska that were otherwise inaccessible. "Most people have to wait in line for a long time for planes," Whitman said. "The fact that you just turn around and order a private plane ... that starts to look really problematic. It's a lot of money." The agency said the flights were all cleared by ethics officials and say Pruitt's unprecedented around-the-clock security protection is necessary given increased threats.

Others point to who he met with as especially revealing. An analysis of Pruitt's broader schedule shows he's met most often with oil and gas executives, followed by agriculture and farming interests. And the former Oklahoma attorney general has paid especially close attention to his home state. Of at least 30 meetings or speaking engagements Pruitt had with oil and gas executives or trade groups, seven appear to have connections to Oklahoma. He's also spoken at events or held calls with right-wing policy groups that spend little of their time on environmental issues, such as the Family Research Council, Council for National Policy, State Policy Network and Federalist Society.

PRUITT LIEUTENANTS HOP ONTO HOTSEAT: Sparks are guaranteed to fly as Senate Environment and Public Works Committee hears from four EPA nominees and an NRC candidate today. Expect Democrats to pay close attention to William Wehrum, the EPA air nominee, and his long history as an industry attorney, the same issue that kept him from this post in the pre-nuclear option George W. Bush era. Since leaving EPA a decade ago, Wehrum's [client list](#) is a who's who of industry groups, including the American Petroleum Institute, American Fuel & Petrochemical Manufacturers and the Utility Air Regulatory Group. Wehrum just last week helped industry groups challenge OSHA's silica rule in court - though the judges [indicated](#) they weren't buying his arguments that the agency had failed to prove new health benefits.

Heavy focus expected on Dourson: The other nominee likely to face heat is Michael Dourson, nominee for EPA chemicals and pesticides chief. The job will be vital as EPA works to implement the reformed Toxic Substances Control Act. Critics were also incensed when Pruitt earlier this year rejected agency scientists' suggestion to ban the pesticide chlorpyrifos. Dourson's work as an independent toxicologist often concluded that safe levels of various chemicals and pesticides were significantly higher than the findings of government and university scientists. Dourson is also the author of a series of self-described "science-Bible stories."

Also slated to attend: Matt Leopold, the nominee for EPA general counsel, and David Ross, the pick to run EPA's water office. Leopold is a Florida lawyer who was previously the Florida Department of Environmental Protection's general counsel. Ross heads the Wisconsin Department of Justice's Environmental Protection Unit and previously helped challenge the Obama administration's WOTUS rule, which EPA is working to repeal and replace. Joining the EPA nominees is Democrat Jeff Baran, who is up for renomination to the NRC through 2023.

If you go: Chairman John Barrasso will gavel in the hearing at 10 a.m. in Dirksen 406.

WHAT ABOUT THE BOSS?: Pruitt himself hasn't been to an EPW hearing since he was confirmed in February, and the committee's top Democrat Tom Carper is out of patience. "It's almost nine months into the administration and we're still waiting for the head of EPA to come in and defend the administration's budget for EPA, which is appalling," Carper told ME.

The House Energy and Commerce Committee has never heard from Pruitt in a public hearing, though it is traditional for the EPA boss to testify there at least once a year. Illinois Republican John Shimkus, who chairs the E&C environment subcommittee, says a visit is overdue, especially in light of the heightened scrutiny of his spending. Shimkus said he thinks Cabinet officials should fly commercial, just like members of Congress do. "We're also stewards of taxpayers' dollars and these agencies, we're asking them to do more with less," Shimkus told ME Tuesday. "It probably would have been better had he come earlier than later."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Joyce Foundation's Ed Miller first identified Rep. Fred Grandy, aka Gopher from *The Love Boat*, as the Iowa congressman. For today: Who did Nancy Pelosi succeed when she first won election to Congress in 1987? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ADMINISTRATION PICKS ARMY CORPS CHIEF: Trump announced late Tuesday his choice of R.D. James to lead the Army Corps of Engineers. He's previously served on the Mississippi River Commission where he's provided water resources advice to several administrations and Congress. James has also served as president of the Southern Cotton Ginners Association. Among other responsibilities, James would have a major role as the Trump administration revamps the Waters of the U.S. regulation. An April report made it sound like James was lukewarm on taking the post: "I'm a country boy, and I can't imagine living up there, but, if chosen, I will, and I will do my very best."

TRUMP STRIKES HARSH TONE IN PUERTO RICO: Visiting the devastated island of Puerto Rico Tuesday, President Donald Trump warned the island's millions of residents - many of whom have been told not to expect electricity or potable drinking water for months - they had "thrown our budget a little out of whack because we've spent a lot of money on Puerto Rico" and avoided a "real catastrophe" like Hurricane Katrina. As POLITICO's Matthew Nussbaum and Nolan D. McCaskill [note](#), Trump maintained his boasts about a wildly successful response effort that hasn't matched the reality of the hurricane-ravaged island.

At a stop later in the day Trump insisted residents didn't need flashlights (it's unclear what he meant) even though 95 percent of the island lacks electricity. "The power grid, honestly, was devastated before the hurricanes even hit. And then the hurricanes hit and they wiped them out," Trump said, as he repeatedly seemed to blame the island for its poor infrastructure and financial situation. Joining him on the trip were Pruitt and Energy Secretary Rick Perry.

POLITICO's Burgess Everett and Seung Min Kim [report](#) the administration will today ask for \$13 billion in hurricane recovery funding, \$16 billion in flood insurance relief and more than \$500 million for wildfires with congressional consideration likely in mid- to late-October.

BISHOP PROBES YEARS OF NON-COMMERCIAL TRAVEL: House Natural Resources Chairman [Rob Bishop](#) and Rep. [Bruce Westerman](#) sent a [letter](#) to Interior Secretary Ryan Zinke Tuesday asking for all records of non-commercial travel by the Interior secretary since the start of the Obama administration, as well as copies of department policies on the matter. "When partisan opportunists conflate diligent conformance to scandal, no one wins," they wrote. "Let's get all facts on the table, ensure taxpayers are protected and proceed with the peoples' business."

More questions raised for Zinke: A group of 26 House Democrats, led by [Nanette Barragan](#) and [Don Beyer](#), asked Zinke in a Tuesday [letter](#) to immediately disclose all details of his use of charter aircraft.

Zinke doesn't plan to repay the government for his charter flights, the Associated Press [reports](#).

NUCLEAR WASTE BILL ON ICE - FOR NOW: Shimkus said plans to bring a [committee-passed](#) nuclear waste package, [H.R. 3053 \(115\)](#), to the House floor are on hold for now as Nevada lawmakers, some of the most vocal opponents of the measure, deal with Sunday's massacre. "In light of the tragedy, there's no desire to move quickly," he said.

BISHOP: SILENCER CONTROVERSY 'SILLY': Delaying a broad sportsmen's package over language loosening gun silencer restrictions amid the response to the Las Vegas tragedy would be silly, Bishop told reporters. As your ME host [reports](#), Bishop added: "If that's a hang-up, that's sad that that's a hang-up." GOP sources have previously indicated the SHARE Act, [H.R. 3668 \(115\)](#), likely won't come to the floor anytime soon after the shooting that killed 59 people and injured hundreds others.

COAL, NUCLEAR CAUTIOUSLY BACK PERRY'S PLAN: Representatives of the coal and nuclear industries offered qualified support before a House Energy and Commerce subcommittee for Perry's plan to extend their plants a lifeline through FERC, Pro's Darius Dixon [reports](#).

Nuclear Energy Institute CEO Maria Korsnick voiced support for an extended public comment period while Paul Bailey, who heads the American Coalition for Clean Coal Electricity, said he'd back the proposal if forced to answer yes or no with "a huge caveat [that] we're still looking at it."

Lotsa wiggle room: FERC General Counsel James Danly told Senate lawmakers Tuesday the commission intends to act on DOE's resiliency pricing rulemaking proposal within the 60 days outlined by Perry, but he left plenty of room to tease out what that might look like, Pro's Darius Dixon [reports](#).

Not giving up: Three new groups - the Energy Storage Association, the American Biogas Council, and the Business Council for Sustainable Energy - have [linked arms](#) with the other 11 energy groups asking DOE and FERC to slow down. The groups were spooked by FERC's decision on Monday to take comments on DOE's proposal even before the rulemaking was published but it's unclear how the processes will mesh. They have asked FERC to respond by Friday to their request for an extended comment period and technical conference.

**** A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: <http://politi.co/2xO60oe> **

GREENS PLAN SUIT OVER MISSED OZONE DEADLINE: A group of 10 environmental groups said Tuesday they [plan to sue](#) Pruitt after he missed a deadline to decide which parts of the U.S. do or do not meet the 2015 ozone standard, Pro's Alex Guillén [reports](#). In response, an agency spokesman told ME: "The agency is continuing to work closely with the states to work through the designations process for the 2015 ozone standard."

SEIA GOES TO THE WHITE HOUSE: The Solar Energy Industries Association has a meeting today at the White House with presidential aides and staff from DOE, USTR and other cabinet agencies, Abigail Ross Hopper from the Solar Energy Industries Association said Tuesday. SEIA is trying to ward off tariffs on imported solar panels that will ultimately be decided by the president. The group would not specify who they'd be meeting with. "We are speaking with all of those folks who have a seat at the table and will help advise the president what the right decision is," Hopper said. "This is a conversation about American jobs, American blue collar jobs from many of the states that voted for our president."

LET'S GET TOGETHER, ROYALLY: Interior convenes the initial meeting of its new Royalty Policy Commission today. Counselor to the Secretary for Energy Policy Vincent DeVito will chair the commission, which he said will help with "looking at financial elements [at Interior] that have not been looked at in quite some time." The department [caught flak](#) earlier this year for stacking the commission with industry representatives but failing to fill slots reserved for public interest groups. NGOs said they will provide public comments, however, with The Wilderness Society set to ask Interior to increase royalty rates for oil and gas developed on public land from the current 12.5 percent. "Remarkably, for oil and gas, this rate has not changed since the 1920s," TWS said in [prepared remarks](#) seen by ME.

MORE JOBS AT MANCHIN FROM BLANKENSHIP: Former West Virginia coal executive Don Blankenship released [an ad](#) Tuesday attempting to link Sen. [Joe Manchin](#) to both the Benghazi consulate attack and the deaths at Upper Big Branch Mine, Campaign Pro's Kevin Robillard [reports](#). The spot, airing on state television, provocatively asks: "Does Manchin have blood on his hands?" Blankenship, who served a year in prison for conspiring to violate mine safety standards, has previously mused about challenging Manchin for his Senate seat as a Republican.

MURRAY JOBS SUIT REACHES SUPREME COURT: Coal producer Murray Energy [asked](#) the Supreme Court Tuesday to conclude Section 321(a) of the Clean Air Act requires EPA to produce a detailed study of its effects on coal jobs, Pro's Alex Guillén [reports](#). A federal appeals court said that study represents a discretionary duty after a district court judge originally called it a mandatory one. But keep your expectations in check: It'll likely take the administration months to respond and there's no guarantee SCOTUS will ultimately hear the appeal.

AHEAD OF THE CLASS: Solar energy capacity in 2016 was 4,500 percent higher than the government thought it would be 10 years earlier, and wind supply is 350 percent above projections, the Natural Resources Defense Council finds in [a report](#) out Tuesday. "When you look at how clean energy development has exploded beyond official government projections from just 10 years ago, it offers hope that its potential will continue to far surpass expectations and we'll meet our U.S. climate goals," Amanda Levin, co-author of the report, said.

CEI SUES FOR PARIS DOCUMENTS: The Competitive Enterprise Institute filed a [lawsuit](#) Tuesday seeking emails and text messages concerning the communications of three former Obama-era State Department officials in the lead up to the Paris climate agreement being reached. In particular, the lawsuit seeks records related to Todd Stern and Sue Biniaz's communications with officials at NRDC and the World Wildlife Fund.

LAWSUIT FILED OVER ADVISORY BOARD RECORDS: The Center for Biological Diversity filed a lawsuit Tuesday seeking NOAA records concerning its decision to end a federal climate change advisory panel - Advisory Committee for the Sustained National Climate Assessment - over the summer. Copy of the filing [here](#).

MOVERS, SHAKERS: State Energy & Environmental Impact Center at NYU School of Law, which aims to help state attorneys general fight Trump environmental rollbacks, today announced the additions of **Elizabeth Klein** as deputy director and **Chris Moyer** as communications director. Klein was most recently Interior's associate deputy secretary under the Obama administration and Moyer was most recently deputy communications director for California Attorney General Xavier Becerra.

Former FERC Commissioner Colette Honorable has joined the Bipartisan Policy Center as a senior fellow.

QUICK HITS

- EPA Asks Drillers and Miners for Advice on Regulating Them. [Bloomberg](#).

- Pipeline wins federal OK to carry hazardous liquids across Kentucky. [Lexington Herald-Leader](#).
- Former DEP official tapped to lead EPA regional office. [State Impact](#).
- 'The new OPEC bromance': How Saudi Arabia and Russia are bonding over oil. [CNBC](#).
- Coal-state lawmakers introduce bill to shore up pensions for miners. [Washington Examiner](#).
- Miles of Algae Covering Lake Erie. [New York Times](#).

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**** A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: <http://politi.co/2xO60oe> **

To view online:

<http://www.politico.com/tipsheets/morning-energy/2017/10/04/pruitts-flight-meeting-habits-raise-eyebrows-222634>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 9/26/2017 2:03:23 PM
Subject: POLITICO's Morning Score: Five things to watch in the Alabama runoff election — Trump takes on Bannon in Alabama Senate showdown — New NRCC senior adviser

By Daniel Strauss | 09/26/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Maggie Severns

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (<http://www.politicopro.com/proinfo>)

DAILY ROLL TIDE - "5 things to watch in Alabama's Senate race" by Campaign Pro's Daniel Strauss: "President Donald Trump and Senate Majority Leader Mitch McConnell have put their political muscle on the line in Alabama's Senate race - and they've done it for the clear underdog in Tuesday's primary. Not a single public poll has shown appointed Sen. Luther Strange beating former state Supreme Court Justice Roy Moore for the Republican nomination. But the super PAC aligned with McConnell has spent millions of dollars trying to boost Strange past his controversial opponent, and Trump lent Strange his personal endorsement in a Friday rally in Alabama, where the president enjoys sky-high popularity among Republicans. If it doesn't work, Strange could become the first senator since 2012 to lose a primary. Here are POLITICO's five things to watch when the polls close in the GOP primary at 8 p.m. Eastern time." **Full story.**

- Last-minute spending roundup: A number outside groups disclosed spending money during the final days of the runoff, though none came close to matching the more than \$5 million that Senate Leadership Fund has disclosed spending so far to the FEC. The biggest spenders in recent days were all on Team Strange: pro-Trump America First Policies reported spending \$452,254 on Strange's behalf over the last five days. The NRSC dropped \$200,000 in support of Strange during that time. And the U.S. Chamber of Commerce dropped \$350,000 on billboards and advertising, bringing the Chamber's total spending in Alabama close to \$1 million.

BANNON BET - "Bannon to Alabama: 'They think you're a pack of morons'" by POLITICO's Alex Isenstadt : "Steve Bannon barreled onstage at a raucous rally inside a barn here to deliver a warning to the national Republican establishment ahead of Tuesday's special Senate election: I'm just getting started. In a thundering 20-minute speech Monday night that was partly a rally for insurgent Senate candidate Roy Moore but equally a declaration of war on the Republican Party hierarchy, Bannon made clear that this next act of his political career could make the Republican civil war of recent years look tame. 'For Mitch McConnell and Ward Baker and Karl Rove and Steven Law - all the instruments that tried to destroy Judge Moore and his family - your day of reckoning is coming,' Bannon said, referring to the Republican Senate leader and a trio of prominent GOP strategists backing incumbent Sen. Luther Strange. 'But more important, for the donors who put up the [campaign] money and the corporatists that put up the money, your day of reckoning is coming, too.'" **Full story.**

FIRST IN SCORE - NEW NRCC ADVISER - "New NRCC senior adviser Joe King expected to lead IE unit" by Campaign Pro's Elena Schneider: "The National Republican Congressional Committee is naming Joe King, an Ohio-based strategist with close ties to NRCC Chairman Steve Stivers, as a senior adviser to the committee - with the expectation that King will later lead the committee's independent expenditure unit in the 2018 election, according to a source close to the committee. King will advise the committee on races by 'surveying the battlefield, determining what's important to us,' and developing a 'winning strategy,' he said in an interview. But, in his expected future role leading the NRCC's outside-spending unit, King will be charged with overseeing tens of millions of dollars of TV advertising and polling in what could be the most expensive midterm election ever." [Full story.](#)

FLORIDA FUNDRAISERS - Sen. [Marco Rubio](#), former Sen. Connie Mack and a number of top Republicans are hosting a fundraiser for Florida state Rep. Mike Miller's bid to replace Rep. [Stephanie Murphy](#). Other names listed on the host committee include Rep. [Pete Sessions](#), lobbyist Brian Ballard, Rep. [John Rutherford](#), and Rep. [Vern Buchanan](#). Read the invite [here](#).

Days until the 2017 election: 42.

Days until the 2018 election: 406.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: [@politicoscott](#), [@ec_schneider](#), [@politicokevin](#), [@danielstrauss4](#) and [@maggieseverns](#).

PENNSYLVANIA POLLING - A McLaughlin & Associates poll conducted for state Sen. Scott Wagner's gubernatorial campaign finds him leading Republican primary rival Paul Mango 45 percent to 16 percent with 39 percent undecided. The poll was conducted between Sept. 18 and 20 and had a margin of error of plus or minus 4.9 percentage points. Read the full results [here](#).

... AND VIRGINIA NUMBERS - A poll from Christopher Newport University's Wason Center has Democrat Ralph Northam leading his Republican opponent Ed Gillespie 47 percent to 41 percent in the gubernatorial race. The poll was in the field from Sept 12 to 22, with an MoE of 3.7 percent. [More here.](#)

- AAN out with polling on tax reform: American Action Network's Middle-Class Growth Initiative is highlighting that 73 percent of surveyed voters call "passing comprehensive tax reform" a top or important priority, as Republicans are expected to roll out their plan soon. AAN also noted that "the survey found Americans, across party lines, view lowering the middle-class tax rate as the most important tax reform initiative." **Read the full polling memo [here](#).**

AIR WAR - TV ads kick off against Rep. Rod Blum: Not One Penny, a progressive group, is

going up with a six-figure ad buy against Iowa Rep. [Rod Blum](#), urging him to oppose the Republican tax reform plan "that rigs the tax code in favor of millionaires like Blum," per a memo from the group. "Congressman Rod Blum has a tall stack of votes that only benefit millionaires like him - like this one, which will give a huge tax break for health insurance CEOs already making over half a million each year," says the ad, which will air in the Cedar Rapids market. **Watch the ad [here](#).**

NO CORDRAY HERE - The Ohio Democratic Party announced Virginia Gov. Terry McAuliffe will be the keynote speaker at its second gubernatorial debate, scheduled for Sunday, October 29th. Democrats on the stage include former Ohio state Rep. Connie Pillich, former Ohio state Senate Minority Leader Joe Schiavoni, former U.S. Rep. Betty Sutton and Dayton Mayor Nan Whaley.

INVITING A PRIMARY - Coffman taunts Tancredo: Colorado Rep. [Mike Coffman](#) asked former Rep. Tom Tancredo to "come after me" in a GOP primary. Coffman said that he decided to challenge him after Tancredo "defended a group called VDARE, which serves as an online platform for racist and white supremacist viewpoints," [9News](#) reported. "We could define what the Republican party is for a generation to come," Coffman said. Tancredo, for his part, has "openly advocated" for a conservative challenge to Coffman, but when asked said he didn't plan to personally challenge him.

GETTING THE NOD - NewDem PAC adds a dozen candidates to 'watch list': The NewDem PAC named a dozen Democratic House challengers to its "Candidate Watch List" on Monday: Dave Min (CA-45), Hans Keirstead (CA-48), Harley Rouda (CA-48), Paul Davis (KS-02), Elissa Slotkin (MI-08), Angie Craig (MN-02), Brad Ashford (NE-02), Mikie Sherrill (NJ-11), Anthony Brindisi (NY-22), Jana Lynne Sanchez (TX-06), Jay Hulings (TX-23) and RD Huffstetler (VA-05).

QUOTE OF THE DAY: "I'm here tonight to say, I stand with Luther. I stand with President Donald Trump. And I will always stand for our national anthem." - Vice President Mike Pence speaking at a rally for Sen. Luther Strange in Birmingham.

To view online:

<http://www.politico.com/tipsheets/morning-score/2017/09/26/five-things-to-watch-in-the-alabama-runoff-election-222486>

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