

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 12/6/2017 10:45:11 AM
Subject: Morning Energy: Senior Republicans feeling upbeat on ANWR's chances — Pruitt's unusual Thursday congressional appearance — Zinke recommends shrinking two more monuments

By Anthony Adragna | 12/06/2017 05:42 AM EDT

With help from Emily Holden, Catherine Boudreau and Eric Wolff

ODDS LOOKING GOOD FOR ANWR: Senior House Republicans said Tuesday they were optimistic a provision opening the Arctic National Wildlife Refuge to oil and gas drilling would make it into Congress' final tax package, even as a handful of their colleagues expressed unease. "I've been asking for ANWR for a long, long time," said Natural Resources Chairman [Rob Bishop](#), who is on the conference committee sorting out the differences between the House and Senate bills. "And so have most rational people. I expect it to be part of the final product." Alaska Republican Rep. [Don Young](#), also a conferee, said he was "feeling pretty good" about the provision's chances of making it through conference.

Alaska Sen. [Dan Sullivan](#) summed up the state of play over ANWR: "You don't want to jinx it and we're going to continue to work hard, but we're confident and we're going to have good representation on the conference." Senate Energy Chairman [Lisa Murkowski](#) is expected to join Young as a conferee once the Senate votes to go for conference. Sullivan added his vote on the package would be in jeopardy if the ANWR provision doesn't make it into the finished product.

Grassley ready to rumble: Senate Judiciary Chairman [Chuck Grassley](#) suggested he'd throw his weight around to alter [provisions in the House-passed bill](#) that would change qualification terms for some renewable energy projects and trim the renewable production tax credit. "I would think they'd be embarrassed of even putting it in," he told reporters. "What is there about wind that would cause them to do something that they haven't done for anything else?" Grassley also said changing the tax credits went against a promise he'd received from Treasury Secretary Steven Mnuchin back in January. A coalition of right-of-center clean energy groups sent [a letter](#) outlining their own concerns about the House and Senate bills on Tuesday.

Extenders package coming together: Legislation extending expired tax provisions, including short-term tax benefits to promote renewable energy sources like biodiesel and solar power, is expected to come together in the next couple of weeks, Pro Tax's Aaron Lorenzo and Bernie Becker [report](#), citing senior GOP senators. Multiple sources say a package could hitch a ride with an end-of-year government funding agreement. Sens. [Johnny Isakson](#) and [Tim Scott](#) are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects, while Grassley has pushed a biodiesel credit.

Meanwhile, senior congressional Republicans are drawing a line in the sand by promising they won't grant Democrats concessions in a second short-term spending bill later this month to keep the government open, Pro Budget & Appropriations Brief's Jennifer Scholtes and Sarah Ferris [report](#). "If we pass a bill on or about the 22nd and go home, then the Senate will need to make up its mind about what to do about that," Rep. [Hal Rogers](#) said. "The option is either: Pass or have a

shutdown in place."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the ClearPath Foundation's Spencer Nelson was first up to identify Joe Barton as the original sponsor of the Energy Policy Act of 2005. For today: What was the *smallest* national monument ever created in the U.S.? 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).

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NEVER HEARD OF THIS BEFORE: EPA Administrator Scott Pruitt will only stay for an hour during a Thursday [appearance](#) at an Energy and Commerce subcommittee before returning later in the afternoon. "Congressional Republicans need to grow a backbone and stand up to President Trump and the members of his cabinet, like Administrator Pruitt, who have repeatedly ignored any Congressional oversight," ranking member [Frank Pallone](#) told ME in a statement. "It's clear that we're simply not going to get any real oversight of the Trump Administration from Congressional Republicans anytime soon." A committee spokesman confirmed the arrangement and said it was to accommodate a meeting at the White House. EPA didn't respond to request for comment.

Context here: ME's never heard of a Cabinet official taking a lengthy break in the middle of a congressional hearing, regardless of the reason. And, remember, this is slated to be Pruitt's first appearance before the Energy and Commerce Committee.

Ahead of the appearance, more than 1,000 scientists [asked](#) congressional leaders to question Pruitt about efforts to overhaul the agency's science advisory panels. "Without the best available scientific advice, the EPA will be ill-equipped to tackle emerging environmental and public health challenges, and the American people will suffer," they write.

GOOD DAY, SUNSHINE: TRADE REP TO HEAR SOLAR CASE: The U.S. Trade Representative will hear arguments today at 9:30 a.m. for what kind of tariffs or quotas — if any — the president should impose on imported solar panels. The hearing will likely be a rehash of arguments that were made to the U.S. International Trade Commission before that body proposed its own set of remedies for the damage done to U.S. trade manufacturers by low cost imports.

Trump gets to make the call: The president will ultimately have full latitude to impose penalties on imported solar cells and panels, and the Solar Energy Industries Association is hoping to influence his decision by recasting their arguments against a tariff in Trump's preferred terms. The group rolled out its [America First Plan for Solar Energy](#), saying rejecting tariffs would promote "U.S. energy dominance," help national security and save jobs. Trump must make a decision by Jan. 26.

Republicans urge no tariffs: 35 House and six Senate Republicans sent letters ahead of the hearing urging the Trump administration not to slap tariffs on imported solar equipment.

ZINKE FLOATS SHRINKING MORE MONUMENTS: Interior Secretary Ryan Zinke urged Trump in his 20-page final recommendations to downsize Nevada's Gold Butte and Oregon's Cascade-Siskiyou national monuments, in addition to the drastic scalebacks of Bears Ears and Grand Staircase-Escalante national the president announced Monday. Management plans at half a dozen other monuments would be changed, though their boundaries would not be altered. And Zinke suggests creating three new national monuments: Camp Nelson in Kentucky; Medgar Evers's home in Mississippi; and the Badger II Medicine Area in Zinke's own homestate of Montana.

CITIES RALLY ON CLIMATE: Some 36 U.S. mayors signed an agreement Tuesday vowing to do their part to curb greenhouse gas emissions even as the Trump administration has signaled its intent to leave the Paris agreement. Former President Barack Obama later delivered brief remarks to the gathering in Chicago thanking cities for showing "the kind of leadership that is needed at the moment" and mayors for helping to keep "our word on the world stage." Obama said "cities and states and businesses and universities and nonprofits have emerged as the new face of American leadership on climate change."

MCINTYRE MIA? It's been 34 days since Jones Day attorney Kevin McIntyre was confirmed by the Senate to be a FERC commissioner, and two weeks since he got his signed commission. Commissioners basically get to decide for themselves when they want to get sworn in, so speculation has swirled about why the would-be chairman hasn't shown up for work. McIntyre still has a webpage at Jones Day, which usually is one of the first things to go when a big firm lawyer takes a government job. An out-of-office reply from his work email account said he he would be back on Dec. 14. The White House did not respond to a request for comment, and a FERC spokesman said, "We have nothing on that at this time."

AIN'T NO THING: Grassley is downplaying the significance of the meeting that Sen. Ted Cruz secured with Trump and several Cabinet members on Thursday to discuss biofuels and vehicle fuel-efficiency policy. "The president keeps doing what he told the voters of Iowa, as well as me and Senator [Joni Ernst], which is supporting ethanol," Grassley told reporters Tuesday, adding that it's not unusual for the president to accept a meeting request from senators. The Iowa Republican also said he thinks Cruz's leverage has diminished since the EPA last week released the rule setting 2018 blending requirements for biofuels — which kept flat the levels for corn ethanol.

SWEET TREAT: Bishop gave Trump a special little treat during his Monday visit to Utah to unveil his monument recommendations: a box of chocolates from a store in his district. "It was cheesy but I thought why not?" he said. "He says he likes chocolates." No word on what Trump thought of the candy, which Bishop said was the store's popular nut roll.

And another gift: At a tax event at the White House on Tuesday, North Dakota state Sen. Jessica Unruh gave Trump a Make Coal Great Again hat as she praised the tax overhaul. "The production tax credit has destroyed the energy market, especially in the Midwest. We don't have a lot of electricity produced from natural gas in North Dakota. So wind production has really eroded our state tax base and replaced coal production when it comes to electricity production," she said. "We're also very thankful for all the regulatory reform we've seen come from your office."

NO NOMINATION VACATION: The Senate Environment and Public Works Committee takes up R.D. James' nomination to run the Army Corps of Engineers this morning at 10 a.m. in Dirksen 406. The nomination earlier this month cleared the Senate Armed Services Committee on a voice vote, though the crowded December to-do list suggests he may not get a floor vote until next year.

In the afternoon, an EPW subcommittee holds a hearing entitled "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters." Witnesses are from Texas and California alone.

SEE YOU IN COURT (AGAIN): Joining environmental and public health groups, a coalition of 15 Democratic attorneys general sued EPA on Tuesday for missing a key deadline related to implementation of its 2015 ozone standard, Pro's Alex Guillén reports.

MAIL CALL! DON'T TURN THE CAR (STANDARDS) AROUND: At least 22 Democratic senators, led by Ed Markey, Sheldon Whitehouse and Kamala Harris, are sending Pruitt a letter this morning urging him not to weaken emissions standards for model years 2021 through 2025. "Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits," they'll say in letter which ME has glimpsed. And their letter comes as the Union of Concerned Scientists releases a new report arguing automakers have for decades repeated a "familiar pattern" of attacking new policies as technologically infeasible.

TAKE A LOOK PLEASE! Seven Democratic senators asked GAO in a letter to examine how the Trump administration developed its lower social cost of carbon figure. In particular, they asked for an examination of how other states and countries created similar measures. Link here.

FIGHTING PARK SERVICE CUTS: The NRDC Action Fund is launching a five-figure, TV ad campaign in Montana today against the Trump administration's proposed cuts to the National Park Service and urging Sen. Jon Tester to continue fighting them. Watch it here.

FOR YOUR RADAR: The American Legislative Exchange Council is meeting today through Friday in Nashville and conservative legislators will weigh a model resolution calling on EPA to review the endangerment finding, which requires regulations to limit greenhouse gas emissions. ALEC members will vote on the proposal Thursday. Exxon

Mobil, a private sector member of ALEC, is opposing the push, particularly because of its language questioning climate science, [The Hill reports](#).

STUDY BUDDIES: E2, former DOE head Ernest Moniz's Energy Futures Initiative and the National Association of State Energy Officials are teaming up on a detailed analysis of energy jobs for every state, including jobs in solar, wind, energy efficiency and clean transportation. The groups expect the report out by Spring 2018.

HOW TO DIGITIZE AN ELECTRIC GRID: The Bipartisan Policy Center released a series of recommendations Tuesday for how to digitize the electric grid. Among their suggestions: Having DOE convene a task force on the issue and including funding for modernizing grid investment as part an infrastructure package. Read the whole report [here](#).

QUICK HITS

- A radical startup has invented the world's first zero-emissions fossil-fuel power plant. [Quartz](#).
- EPA Reaches Settlement With Energy Plant Over Toxic Odors. [AP](#).
- Trump science job nominees missing advanced science degrees. [AP](#).
- The Environmental Case Against Bitcoin. [New Republic](#).
- Lisa Murkowski warns Trump nominee to keep federal energy data free of politics. [Washington Examiner](#).
- PPL expects sharp decline in coal fleet by 2050. [Utility Dive](#).

HAPPENING TODAY

9:30 a.m. — USTR hearing on crystalline silicon photovoltaic cells, 1724 F Street NW, Rooms 1 and 2

10:00 a.m. — Indigenous groups hold pray-in to demand Congress drop Arctic drilling from their tax bill, U.S. Capitol

10:00 a.m. — [Hearing](#) on "Endangered Fish Recovery Programs Extension Act of 2017," House Natural Resources Water Subcommittee, Longworth 1324

10:00 a.m. — Senate Environment and Public Works holds a [hearing](#) on the nomination of R.D. James to be assistant secretary of the Army for civil works, Dirksen 406

12:00 p.m. — "[The Role of Natural Gas in the US Economy](#)," Women's Council on Energy and the Environment, Denton's, 1900 K Street NW

12:30 p.m. — "Agriculture and the environment in 2018: Conservation programs, the waters of the United States, and the Renewable Fuel Standard," American Enterprise Institute, 1789 Massachusetts Avenue NW

1:00 p.m. — "Fleeing Change: Relocating the Village of Newtok, Alaska," Wilson Center, Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

2:30 p.m. — "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters," Senate Environment and Public Works Superfund and Waste Management Subcommittee, Dirksen 406

2:45 p.m. — Senate Indian Affairs Committee hearing on water rights, Dirksen 628

3:00 p.m. — Rep. McEachin hosts a roundtable discussion on Black Entrepreneurs in the Green Economy on Clean Power Plan repeal, Longworth 1539

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<https://www.politicopro.com/newsletters/morning-energy/2017/12/senior-republicans-feeling-upbeat-on-anwrs-chances-041784>

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House tax bill slashes value of wind energy tax credit [Back](#)

By Eric Wolff | 11/02/2017 02:20 PM EDT

The House tax bill released Thursday would substantially reduce the value of a key wind energy incentive, tighten requirements on what renewable energy companies have to do to qualify for tax credits, extend a nuclear energy tax break, and restore support for clean energy technologies that had been "orphaned" from an earlier tax extenders law.

The bill also eliminates an electric vehicle tax credit and jettisons some little-used oil industry tax breaks — as well as getting rid of the more significant domestic production tax deduction enjoyed by oil companies and other manufacturers.

The wind industry was quick to condemn the changes to its tax treatment.

"Despite comments to the contrary, this proposal reneges on the tax reform deal that was already agreed to, and would impose a retroactive tax hike on an entire industry," Tom Kiernan, CEO of the American Wind Energy Association, said in a statement. "The House proposal would pull the rug out from under 100,000 U.S. wind workers and 500 American factories, including some of the fastest growing jobs in the country. We expect members of the House and Senate to oppose any proposal that fails to honor that commitment, and we will fight hard to see that wind energy continues to work for

America."

Here are some highlights from the [text](#) and a [section-by-section summary](#) provided by the Ways and Means committee.

— **PTC cutbacks:** The bill would reduce the value of the Production Tax Credit to 1.5 cents per kilowatt-hour, the level it was set at in 1992, rather than indexing it for inflation. That would reduce its value far beyond the terms of a tax credit phase-out that was implemented with bipartisan support in 2015. Wind farms and other eligible projects that begin construction this year can now claim a 1.9 cents/kWh credit, down from 2.3 cents/kWh for projects that started last year. The credit is scheduled to disappear for projects built after 2019 under current law, a schedule maintained in the House bill.

Developers also would face tougher requirements to claim the credit, the value of which is determined by when construction begins. The House bill requires a "continuous program of construction" until a facility comes online in order to qualify for the credit, eliminating provisions of existing law that allow developers to make "safe harbor" investments to qualify. The Joint Committee on Taxation says eliminating the inflation-adjustment and tightening the construction requirements will save \$12.3 billion over 10 years, according to the bill summary.

— **ITC repealed after 2027, orphan credits revived :** The House bill extends the investment tax credit for a set of "orphaned" technologies left out of the 2015 legislation phasing out the ITC and PTC over five years. Fuel cells, small wind turbines, combined heat and power systems and microturbines can now claim the ITC until Jan. 1, 2022, with the credits phasing down at the same rate as the solar ITC. But what was to be a permanent 10 percent tax credit for solar investments will now terminate at the end of 2026. The House bill includes similar "continuous construction" requirements for the ITC as for the PTC. The changes would cost the government \$1.2 billion in reduced revenues over 10 years, according to JCT estimates cited in the bill summary.

— **Advanced nuclear tax credit extended:** The bill extends a tax credit for advanced nuclear projects, allowing the secretary of Treasury to transfer unused credits after 2020, which was the in-service deadline under current law. The extension has long been a priority for South Carolina Republican Sens. [Lindsey Graham](#) and [Tim Scott](#), among others. The credits would cost \$400 million over 10 years.

— **Utilities keep interest deduction:** The bill would change how much loan interest some businesses can deduct from their taxes, while allowing them to take advantage of full expensing of capital investments. However, it excludes regulated utilities from the new rules, providing a win for the industry. Eric Grey, director of government relations for the Edison Electric Institute, a trade group, told POLITICO in September that losing the interest tax deduction was a major concern for utilities. Overall, JCT estimates the deduction-and-expensing changes would save the government \$172 billion over 10 years.

— **No more 199:** The House bill would eliminate the domestic manufacturing credit known as section 199. Current law allows certain oil and gas companies to claim a 6 percent tax deduction, and other manufacturers can claim a 9 percent deduction, but the House bill would strip section 199 from the tax code starting next year. Doing so would save \$95.2 billion over 10 years.

— **Minor oil credits repealed:** The bill repeals two small oil industry credits that have barely been used because they only kick in when commodity prices are low. Repealing the enhanced oil recovery credit would cost the government about \$200 million over 10 years, while eliminating the marginal well production credit would have no effect on revenues.

— **EVs lose credit:** The bill repeals a \$7,500 tax credit for electric vehicles. It is part of a slew of tax credits, along with a mortgage credit, and an adoption credit, that the bill proposes repealing. Repealing all of the credits would save \$4 billion over 10 years, but the summary does not include a JCT estimate for the electric vehicle credit alone.

— **Biodiesel, CCS missing:** An expired biodiesel blenders credit was not restored, something likely to become an issue in the Senate where Sen. [Chuck Grassley](#) wants it revived as a producers credit; and a credit for carbon capture and sequestration did not get in the text, despite having bipartisan support.

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Senate tax writers teeing up tax extenders bill [Back](#)

By Aaron Lorenzo and Bernie Becker | 12/05/2017 07:23 PM EDT

Leading GOP senators expect legislation to extend expired tax provisions to come together in the next couple of weeks.

Energy and agriculture provisions are driving the plan.

"We always wind up doing it, so yeah, I suspect that's something we'll have to do," said Senate Finance Chairman [Orrin Hatch](#) (R-Utah). "There hasn't been much talk about it right now, but there's always loose ends that you just have to tie up."

The items, which would revive short-term tax benefits to promote renewable energy sources like biodiesel and solar power, as well as rail lines crucial to farming communities, weren't included in the major tax legislation already advancing in Congress, [H.R. 1 \(115\)](#). Nor were they part of the massive package of tax extenders Congress passed in 2015.

Instead, these extra extensions of longstanding policies are moving separately.

They could ride with an end-of-year government funding agreement, according to multiple sources on Capitol Hill, as well as lobbyists.

"I wanted it in the bigger tax bill but there are so many extenders that they just made it too complicated," said Sen. [Mike Crapo](#) (R-Idaho). "So the decision was made — not by me — to pull the extenders back for a different bill."

Crapo is pushing to continue a tax credit to maintain short-line railroads, which connect farm goods from hard-to-reach locations around the country to main rail arteries that can carry the food anywhere.

Sens. [Johnny Isakson](#) (R-Ga.) and [Tim Scott](#) (R-S.C.) are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects. Sen. [Chuck Grassley](#) (R-Iowa) has worked on biodiesel.

In the House, a separate effort has been afoot to further delay start dates on several health care-related taxes, like the medical device excise tax and health insurance tax, connected to the Affordable Care Act.

WHAT'S NEXT: Government funding runs out Dec. 8, and talks on longer-term spending plans are ongoing.

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House GOP leaders vow no deals with Democrats on stopgap spending [Back](#)

By Jennifer Scholtes and Sarah Ferris | 12/05/2017 11:06 AM EDT

House Republican leaders have promised conservatives that they won't grant concessions to Democrats to get enough votes for a stopgap spending bill — gaining GOP support but also raising the specter of a government shutdown later this month.

Majority party leaders in the House tentatively decided Tuesday morning to hold tight on their plan to fund the government through Dec. 22, bucking calls from conservatives to move the deadline to Dec. 30.

Still whipping to ensure sufficient GOP support, leaders pushed off a Rules Committee meeting and final floor action by a day, with House passage on the two-week patch, [H.J. Res. 123 \(115\)](#), now expected Thursday. Government funding runs out on Friday.

Those intraparty talks will drag into Wednesday, after a huddle with House Speaker [Paul Ryan](#), conservative holdouts and defense hawks ended without a resolution Tuesday afternoon. A final decision isn't expected until Wednesday morning, after

another last-minute meeting by the House Freedom Caucus.

The problem with the House strategy is that Senate Republicans still need the votes of at least eight Senate Democrats to advance spending legislation, likely resulting in deal-making later this month that won't fly with fiscal conservatives in the House.

Enough Senate Democratic votes appear possible for a "clean" stopgap spending bill, or continuing resolution, that would extend from Friday until Dec. 22. Both parties hope to have reached a bipartisan, two-year agreement on overall spending levels for defense and non-defense programs by later in the month.

"We don't know what the House is going to do, but if it's a short-term CR, it gives us a little more time to do the things we're talking about now," Senate Minority Leader Chuck Schumer told reporters Tuesday afternoon, noting that top congressional leaders plan to meet with President Donald Trump on Thursday to work on topline budget caps.

Senate Majority Leader Mitch McConnell also indicated that Republicans in the upper chamber are gunning for a two-week stopgap rather than a deal until Dec. 30, which he said isn't "the best way to go forward."

But the trouble could come with the vote on a second stopgap just before the Christmas holiday, when Democrats would be expected to make more demands such as an agreement on how to treat DREAMers, young undocumented immigrants. If GOP leaders in the lower chamber stay true to their promises to the likes of the House Freedom Caucus, the game plan could result in shutdown-spurring deadlock right before lawmakers plan to leave town for the holidays.

The scheduling changes in the House came after members of the Freedom Caucus temporarily withheld support on a tax vote Monday night to get leaders to opt for a Dec. 30 deadline.

But for now, fiscal hardliners seem appeased by other commitments they've clinched after making that demand.

Rep. Dave Brat (R-Va.), a member of the Freedom Caucus, said leaders "made some great assurances" during a Tuesday morning Republican Conference meeting that "the team stays together" on issues that could emerge.

"And that means you don't go to the Democrats like usual at Christmastime or right after," Brat told reporters.

Longtime spending leader Rep. Hal Rogers (R-Ky.) suggested House lawmakers could try to force the Senate to accept their version of the second patch.

"If we pass a bill on or about the 22nd and go home, then the Senate will need to make up its mind about what to do about that," Rogers said. "The option is either: Pass or have a shutdown in place."

Ryan expressed confidence that the initial funding measure will pass this week but didn't address prospects for a deal beyond Dec. 22.

"I feel like we're going to have a majority, and we're going to have 218 for passing the CR we had this week," Ryan told reporters Tuesday morning. "We're having a good conversation with our members about timing and date and tactics and all the rest. The point is, we're having the kind of family discussion that we need to have on how to proceed forward with a majority, and I'm confident we'll have that."

In punting the drama to the week before Christmas, GOP lawmakers may try to jam Democrats with big boosts to defense spending.

An unlikely mix of conservatives and defense hawks is still eyeing a plan to attach a full year of Pentagon funding to the Dec. 22 bill — a move that would cause a showdown in the Senate.

Democrats in that chamber have refused to back a bill that prioritizes the military over spending on domestic programs. And Senate Minority Whip [Dick Durbin](#) dug in on [that threat](#) Tuesday.

Some conservatives in the House are betting pressure to fund the Pentagon would be just enough to convince a handful of red-state Democrats to vote in support of a second government funding bill later this month.

If the military funding isn't enough, House Republicans are tossing around another bargaining chip: a disaster aid package. That bill would include tens of billions of dollars for storm-ravaged Florida, Texas, Puerto Rico and the U.S. Virgin Islands, making it tougher for Democrats to oppose.

Another must-pass item, funding for the Children's Health Insurance Program, could also be added to the bill, lawmakers said.

"Is the Senate going to turn around, Christmas or New Year's, and say we're not going to take care of the defense of America, we're not going to take care of these people with these hurricanes?" Rep. [Bradley Byrne](#) (R-Ala.) said. "If they are, then it's on them."

Connor O'Brien contributed to this report.

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Greens sue EPA over missed ozone designation deadline [Back](#)

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

Ten environmental and public health groups today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month issued designations for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

WHAT'S NEXT: The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

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Democratic AGs sue EPA over missed ozone deadline [Back](#)

By Alex Guillén | 12/05/2017 05:06 PM EDT

Fifteen Democratic attorneys general today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA Administrator Scott Pruitt faced an Oct. 1 deadline to declare which parts of the country failed to meet the 2015 standard. Pruitt has issued designations for 85 percent of the nation's counties that either meet the standard or lack the data to make a decision. But he has not said which areas are in nonattainment, a designation that would require those states to write and implement a plan to clean up the air.

A number of the states involved face ozone pollution problems, including car-heavy California and New York as well as states in New England, which are often referred to as the "nation's tailpipe" since pollution from other states blows in their direction.

The AGs who joined the lawsuit include those from California, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

WHAT'S NEXT: The AGs' lawsuit comes one day after environmental and public health groups sued over the same issue. Both are in the U.S. District Court for Northern California.

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