

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Energy  
**Sent:** Fri 9/8/2017 2:04:07 PM  
**Subject:** POLITICO's Morning Energy, presented by Chevron: House muddles through EPA-Interior amendments — Wehrum picked as EPA air chief — Florida hopes to avoid fuel shortages as Irma looms

By Anthony Adragna | 09/08/2017 10:00 AM EDT

*With help from Eric Wolff, Alex Guillén, Esther Whieldon and Eric Geller*

**GLIMPSES INTO DECEMBER DEBATE:** House lawmakers churned through about 70 of the 80 amendments related to EPA and Interior during a debate on a spending package [H.R. 3354 \(115\)](#) Thursday evening. Final votes on the overall measure will now occur next week, but the results so far offer some glimpse into what may happen during the forthcoming December government funding debate, so here are some highlights:

1. There's love for addressing park maintenance (a priority for Interior Secretary Ryan Zinke)! In a voice vote, lawmakers backed [an amendment](#) adding \$9.7 million to address the backlog.
2. An effort to [restore funding](#) to EPA's environmental justice program by cutting from the Interior secretary's budget fell short by a vote of 190 to 218.
3. Rep. [John Katko's amendment](#) to restore \$250 million in Clean Water State Revolving Funds, an infrastructure program that typically enjoys broad bipartisan support, passed by voice vote.
4. Republican [Frank LoBiondo](#) and Democrat [Don Beyer's](#) bipartisan push to block offshore drilling in a host of Atlantic sites came up short on a voice vote.
5. An [amendment](#) giving EPA \$6 million to implement a long-term monitoring program for water quality of the waters affected by the Gold King Mine spill passed the House 220 to 191.
6. Rep. [Scott Perry's](#) amendment to block EPA from issuing any regulations under Section 115 of the Clean Air Act, an obscure section of the statute some fear could be used to force carbon rules, passed by voice vote.

**Rather extraordinary:** Rep. [Don Young](#) had to apologize after calling Democratic Rep. [Pramila Jayapal](#) a "young lady" who "doesn't know a damn thing what she's talking about" concerning his amendment blocking regulations on sport hunting and trapping in national preserves in Alaska. He apologized later, though his amendment passed 215 to 196. Video [here](#).

**Reminder:** This bill won't become law in anything approaching its current form and likely won't resemble the Senate's version, so take its contents with a grain of salt. That said, a bunch of amendments will get votes next week.

**TGIF EVERYONE!** I'm your host Anthony Adragna, and New York was home to the first ATM in the U.S. way back in 1969. For today: How many states have had a lawmaker serve as president pro tempore of the Senate? Send your tips, energy gossip and comments to

[aadragna@politico.com](mailto: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).

**CONGRATS!** ME's warmest wishes go out to our own Annie Snider and her husband, Joel, as they welcomed Henry Terhune Kirkland into the world in the wee hours of Tuesday morning. "He is passing all his tests with flying colors and we are quite certain he is the most incredible little guy ever!" Annie writes.

**GOTTA GET RIGHT BACK TO WHERE WE WEHRUM:** Pros [learned](#) it was coming in July, but Bill Wehrum, a George W. Bush-era EPA official who has represented a variety of energy industry interests at law firm Hunton & Williams, received President Donald Trump's formal nod Thursday to run EPA's powerful air office, Pro's Alex Guillén [reports](#). He's been critical of EPA's authority to regulate greenhouse gases, even after the Supreme Court's 2007 ruling saying the agency did have such authority. Democrats blocked his nomination from proceeding in the Senate during the Bush administration, though the threshold has since been lowered to just a majority level to clear the chamber.

**FLORIDA PREPS FOR IRMA:** EPA Administrator Scott Pruitt, seeking to ensure there's enough fuel for Florida as Hurricane Irma bears down on it, on Thursday extended a fuel waiver for summer reformulated fuel requirements for 38 states through Sept. 30, Pro's Ben Lefebvre and Bruce Ritchie [report](#). "It was important to send a message I think to the citizens of Florida but also those producing gasoline they would have certainty to the end of September with respect to these issues," Pruitt said in an interview. "And we'll do it beyond that obviously if necessary. We have the authority to do that." That comes as Florida Gov. Rick Scott told reporters the state was working to mitigate any potential fuel shortages. "While we are making progress, you will see lines and outages, unfortunately," he added. "I know this is frustrating. We are laser-focused on how we get as much fuel as possible to our ports while they remain open."

**Getting Superfund sites ready:** Perhaps learning a lesson from Hurricane Harvey, EPA said Thursday evening it's assessing 80 Superfund sites from Miami to North Carolina for potential vulnerabilities to the impending storm. The agency also said it has 43 Region 2 personnel and 34 from Region 4 responding to the storm.

**Pruitt: 'Not now':** Pruitt also told [CNN](#) Thursday now is not the time to discuss whether climate change has exacerbated these hurricanes. "To have any kind of focus on the cause and effect of the storm; versus helping people, or actually facing the effect of the storm, is misplaced," he said. Instead, the focus should be on ensuring access to clean water and protecting Superfund sites, among other issues, he said. His comments echo those made by Energy Secretary Rick Perry [last week](#).

**Cornyn won't go there either:** Texas' [John Cornyn](#), the Senate's No. 2 Republican, told ME he wasn't sure if climate change exacerbated the storm that slammed his state last week. "Beats the heck out of me," he said. "I've never read anything on [that] point." Asked if it people should be debating the link right now, he said: "It's a free country."

**\*\* A message from Chevron:** When an endangered butterfly was found near a Chevron

refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: <http://politi.co/2xaoDCa> \*\*

**IF I WAS A RICH MAN, YEAH I'D HAVE ALL THE ARPA-E:** Microsoft co-founder Bill Gates lauded DOE's ARPA-E program and urged strong congressional support for what he called the potential "key" to major energy breakthroughs. "Private companies depend on public research," he wrote on his [personal blog](#). "ARPA-E is bringing private investors to the table, and it is delivering results." Gates' strong endorsement comes as a bipartisan group of House lawmakers, including top Science ranking member [Eddie Bernice Johnson](#), introduced legislation [H.R. 3681 \(115\)](#) authorizing reasonable growth in funding for ARPA-E through 2022.

**A WARNING ON GRID HACKS:** Senior cybersecurity officials warned Thursday that hackers are growing more audacious in exploiting dangerous links between critical infrastructure systems and the business networks of their operators. "We have control systems that are connected to business systems," said John Felker, the director of the Department of Homeland Security's cyber watch center, during a panel at the Intelligence and National Security Summit. "The biggest thing we see is that vulnerability of that connection." Some sectors, he said, "have done a good job of segregating that, but others have not." His comments came one day after Symantec said that suspected Russian hackers [may have begun](#) a new phase of power company hacking. Scott Smith, head of the FBI's Cyber Division, said, "This is an area that there's no easy solutions to."

**STEPPING UP FOR HARVEY RELIEF:** Texas oil and gas companies have contributed \$27.3 million toward Hurricane Harvey relief efforts, according to the Texas Oil and Gas Association. Contributions include: \$1 million from Anadarko; \$1 million from Chevron; \$5 million from ConocoPhillips; up to \$10.3 million from Exxon Mobil; \$1 million from Koch; \$1 million from Shell and \$1 million from Valero. The funding will go to various charities and other relief organizations.

**HOEVEN PRAISES TRUMP'S REFINERY SPEECH:** Count Sen. [John Hoeven](#) among the fans of Trump's Wednesday speech at a North Dakota refinery. "I thought it was a good message and it's helpful for what we're trying to do," Hoeven told ME, adding he wasn't disappointed by the lack of energy-specific chatter. But the North Dakota Republican didn't take ME's bait on how he felt about Trump calling his Democratic colleague [Heidi Heitkamp](#) a "good woman" during the speech.

**SENATE SAVES SOME CLIMATE FUNDING:** The Senate Appropriations Committee added \$10 million for the Intergovernmental Panel on Climate Change and U.N. Framework Convention on Climate Change after Republican Sens. [Lamar Alexander](#) and [Susan Collins](#) bucked their party to support an amendment to the panel's State and Foreign Operations bill Thursday. But the committee did not restore any funds to the Green Climate Fund, which aims to help developing countries adapt to the effects of climate change.

**CLEAN POWER PLAN REPEAL EXPECTED THIS FALL:** Pruitt expects to sign a proposed repeal of the Obama administration's Clean Power Plan "in the fall of 2017," Pro's Alex Guillén [reports](#), citing a new [court filing](#). The agency offered no additional details on its repeal

effort, which has been under review by OMB since June 8.

**WYOMING TRESPASS LAW VIOLATED FIRST AMENDMENT, COURT RULES:**

Collecting environmental information on public lands is a protected form of First Amendment speech, the 10th Circuit Court of Appeals ruled Thursday. A three-judge panel struck down a Wyoming law setting strong punishments for anyone who crossed private lands in order to get to public lands to collect information, which includes taking water or soil samples, making observational notes or snapping photos. "Although trespassing does not enjoy First Amendment protection, the statutes at issue target the 'creation' of speech by imposing heightened penalties on those who collect resource data," the court ruled. Trespassers on private land can still be prosecuted under the state's weaker general trespassing law, but a special law targeting trespassers who gather environmental information is unconstitutional, the court noted.

**STICKING AROUND:** Legal challenges to the delay of an Obama-era BLM methane rule will stay in California rather than moving to Wyoming, as Interior requested, Pro's Alex Guillén reports. Litigation over the original underlying regulation, known as the venting and flaring rule, are still playing out in Wyoming but Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said the two issues are rather different and likely would not be combined anyway.

**Speaking of methane,** eight Senate Democrats led by Sheldon Whitehouse sent a letter to Pruitt asking for information on his reported plans to enforce EPA's separate methane emissions standards for new oil and gas wells on a "case by case" basis.

**INDUSTRY PONDERING BREAKING 15B GALLON ETHANOL BARRIER:** Pruitt has set off an ethanol industry debate about lifting the volume requirement beyond the 15 billion gallon conventional biofuel limit established under the Renewable Fuel Standard. "We're all just starting to talk about it as a broad industry," Growth Energy's Emily Skor tell ME. "You've got the head of the EPA saying well you could consider a reset beyond 15 billion gallons." Pruitt told Radio Iowa last month that he would consider going beyond the limit set by Congress if biofuel volumes are reset in two years' time. Skor said it was the second time the administrator made a such a remark. "The first time you don't know, did he mean to say that?" she said. "The second time well, he did mean to say that."

**It's all about demand:** EPA told ME in a statement, "Administrator Pruitt believes that RFS volume obligations should be reflective of actual demand. As Administrator Pruitt told Radio Iowa, if demand exceeds current statutory limits, then the reset volumes will be reflective of that fact. However, much work remains to be done before we can come to this type of conclusion."

**ETHANOL WANTS FEDS TO RESPOND TO BRAZIL ETHANOL DUTIES :** Growth Energy, the Renewable Fuels Association and the U.S. Grains Council are collaborating on letters to U.S. Trade Representative Robert Lighthizer and Agriculture Secretary Sonny Perdue asking them to respond to ethanol quotas imposed by Brazil last month. The groups have not released the letters to the media, but Skor told ME, "What we're saying to the government is, here's the impact and we need your help." Brazil set a 20 percent tariff on ethanol imported beyond 600 billion liters (158 million gallons), and the groups would like to see the tariff

removed or the quota raised. The U.S. exported 277 million gallons of ethanol to Brazil in 2016, a sharp rise from the previous year, according to EIA. Skor said they make no specific ask of the administration, saying, "We don't want to be prescriptive right now with the U.S. government."

**REPORT ROUNDUP! CLEAN ENERGY BOOMING OUT WEST:** The Clean Energy Trust and Environmental Entrepreneurs released [an analysis](#) Thursday finding nearly 600,000 people are employed in clean energy jobs throughout the Midwest, up five percent since 2015 alone. That's more than double the number of computer programmers in the region, according to the groups.

**FIXING INFRASTRUCTURE YIELDS BIG ENVIRONMENTAL BENEFITS:** Investing in significant infrastructure improvements over the next decade could fuel huge environmental benefits, according a report from the BlueGreen Alliance. Among them: 4.4 billion gallons of saved fuel; reducing leaked drinking water by 6 billion gallons and reducing overall carbon dioxide emissions by 12 percent. More [here](#).

**INTERIOR RELEASES RECREATION SURVEY:** The Interior Department released a [preliminary report](#) Thursday that shows 40 percent of the U.S. population ages 16 and older partook in at least one wildlife recreation activity last year. While there were more wildlife watchers and anglers than in the last survey the Census Bureau conducted for the agency in 2011, hunting was down by 16 percent. The data from these reports is often used by agencies and companies to gauge business opportunities and for wildlife management decisions. Interior's Fish and Wildlife Service expects to issue the full data in early 2018.

**DAINES PUSHES WILDFIRE REFORMS:** Montana Republican Sen. [Steve Daines](#) urged new U.S. Forest Service Chief Tony Tooke to pursue immediate wildfire policy reforms as his state deals with ongoing devastating fires. "Fire season always reminds us that either we manage our forests, or our forests manage us," he wrote in a [Thursday letter](#). "We need to focus our time and energy on pursuing reforms that better equip the U.S. Forest Service with the tools and resources needed to accomplish its goals."

**GOT YOUR BACK!** Kansas Sen. [Pat Roberts](#) ran interference to save Senate Energy Chairman [Lisa Murkowski](#) from a pack of energy reporters. Asked by the self-proclaimed newest Dodge City Globe reporter what she'd done for Kansas, the affable Alaskan replied: "I grew a sunflower this summer."

## QUICK HITS

- Texas Chemical Plant Sued For Millions, First Responders Charge Gross Negligence. [International Business Times](#).
- Climate Change Speeds Beach Erosion With Huge Storms. [Bloomberg](#).
- As Hurricane Irma approaches, BP evacuates Gulf platform and drilling rig. [Houston Chronicle](#).

- Florida cites complaints over Chevron gas prices as shortages mount. [Reuters](#).
- Shailene Woodley says she was strip searched after Dakota pipeline arrest. [ABC News](#).
- Former Wagoner County sheriff receives deferred sentence on reduced charge related to cash seizure during 2014 traffic stop. [Tulsa World](#).
- Record-setting smoke haunts Seeley Lake. [Missoulian](#).

### **THAT'S ALL FOR ME!**

**\*\* A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2xaoDCa> \*\*

*To view online:*

<http://www.politico.com/tipsheets/morning-energy/2017/09/08/house-muddles-through-epa-interior-amendments-222182>

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