

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 9/15/2017 2:07:02 PM
Subject: POLITICO's Morning Energy: Unfilled vacancies still worry GOP senators — Trump, Scott still doubt climate change post-hurricanes — EPA to reconsider coal ash regulation

By Anthony Adragna | 09/15/2017 10:00 AM EDT

With help from Alex Guillén

GOP STILL ANXIOUS OVER AGENCY VACANCIES: President Donald Trump's administration has been more active in recent weeks in formally nominating people to host of vacant energy and environmental posts throughout the federal government, but members of his party still aren't satisfied with the pace. In conversations with 10 GOP senators, most said there were still numerous vacancies hampering the president's ability to implement his agenda. Here's what a couple of them had to say:

- **John Barrasso, EPW chairman:** "The pace has picked up, and I'm encouraged by that. I still am looking forward to getting the nominations for the Bureau of Land Management, Fish & Wildlife [and] of course the National Park Service. So there are still some critical ones out there that need to come forward."

- **Shelly Moore Capito, another EPW member:** "I still think we have too many vacancies."

- **Jerry Moran, also on EPW,** said there are too many instances where senators can't find the right person at an agency because they haven't been nominated. "I'm pleased to see any movement, which we're seeing from the White House, in the nominations and I hope we can - without objections from Democrats - take up those nominations as they arrive."

- **Lisa Murkowski, Energy chairwoman,** cautioned that while the pace of names had increased recently, "we've got to get them through the whole process."

Carper raises concerns: EPW ranking member Tom Carper said in a statement EPA Administrator Scott Pruitt "must follow through with the answers he assured us he would provide during his own confirmation hearing before we move forward with additional nominees" after meeting with four nominees slated to have confirmation hearings next week. But Barrasso told ME "we're going to continue" to process nominations regardless of those concerns.

HAPPY MIDWAY POINT OF SEPTEMBER! I'm your host Anthony Adragna, and Meguire Whitney's Elizabeth K. Whitney was first to identify James K. Polk as our only speaker to ever become president. For today: What's the only current state where both senators share the same first name? 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).

TRUMP SHRUGS OFF CLIMATE LINK TO HURRICANES: After visiting Florida on Thursday, Trump told reporters aboard Air Force One he saw no link between climate change and Hurricanes Harvey and Irma, which devastated much of the southern U.S., Pro's Emily

Holden reports. "We did have two horrific storms, epic storms," he said. "But if you go back into the '30s and '40s, and you go back into the Teens, you'll see storms that were very similar and even bigger, OK?"

Scott too: Even after twice touring the storm-ravaged Florida Keys this week, Florida Gov. Rick Scott still won't say if he believes man-made climate change is real, POLITICO Florida's Marc Caputo reports. "Clearly our environment changes all the time, and whether that's cycles we're going through or whether that's man-made, I wouldn't be able to tell you which one it is," the governor (and Trump's preferred Florida Senate candidate) said.

Two Superfund sites need work: EPA officials have now examined 30 of the 90 affected Superfund sites in Florida and concluded two of them in Jacksonville - Fairfax Wood Treating and U.S. Naval Air Station Cecil Field - require follow up work due to flooding in the area.

ANOTHER EPA RULE RECONSIDERED: Pruitt has granted separate petitions of AES Puerto Rico and the Utility Solid Waste Activities Group to reconsider aspects of the agency's 2015 coal ash regulation, Pro's Alex Guillén reports. USWAG asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme, while AES' petition centered on how utilities could store the residue from coal-fired power generation on site. "In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," Pruitt said in a statement, referring to provisions in last year's water infrastructure law.

Environmentalists bashed the decision to reopen the rule, which took almost six years to develop, as endangering human health and the environment. "This decision is a galling giveaway to industrial polluters, even by this Administration's standards of pandering to industry at the expense of the public," Earthjustice attorney Lisa Evans said in a statement. They vowed to fight moves to undermine the regulation, though Pruitt's EPA is likely to ask a federal appeals court case with oral arguments currently scheduled for Oct. 17 be put on hold while it reconsiders the rule.

MINING INDUSTRY HEADED TO TRUMP HOTEL: The National Mining Association confirmed to ME a report in The Intercept that it will host its private conference next month at the Trump International Hotel in Washington. "We evaluated information from five different venues and this was the only venue able to accommodate a group of our size and our meeting requirements on our desired dates," a spokeswoman said. Interior Secretary Ryan Zinke is slated to address the group at the hotel.

SCIENCE PANEL WANTS FACE-TO-FACE WITH PRUITT: EPA's Science Advisory Board, the influential group of scientists who weigh in on key science issues, have invited Administrator Scott Pruitt to a meeting "to share your vision of the SAB's ongoing role in providing scientific advice and to hear about your priorities for the Environmental Protection Agency," according to a letter sent this week. The meeting will "allow for a dialog on how best

the SAB can work to ensure the highest quality science supports Agency's policies and decisions," wrote SAB Chair Peter Thorne. It's not unusual for administrators to appear before the SAB on occasion; Gina McCarthy, for example, spoke to SAB in April 2016.

Elephant in the room: EPA is currently taking public comment on [132 nominees](#) for SAB. It has 48 slots, with 15 opening up at the end of the month. The current SAB is dominated by academics, but also has members from state agencies, private companies and environmental groups. Comments are due Sept. 28.

GOTTA START SOMEWHERE: The White House Council on Environmental Quality took the first step Thursday toward implementing Trump's August executive order aimed at speeding the environmental reviews of infrastructure projects with the release of a work plan, Pro's Emily Holden [reports](#). Among the steps to come: Work with other groups to create a framework for the "One Federal Decision" process, coordination to identify high-priority projects and the issuance of guidance to speed the NEPA process.

LET'S GET TOGETHER? Murkowski told reporters Trump had invited her over for lunch last Friday, but she had to bow out due to a commitment in Alaska. She viewed the invite, though, as a sign that their relationship could be productive in the aftermath of her vote against health care legislation. (She wasn't sure if it was a solo invite.) "I don't think there's a sourness," she said. "If there were, I don't think he would continue to be engaging."

PERDUE STICKING WITH CLOVIS: Agriculture Secretary Sonny Perdue voiced his enthusiastic support for Sam Clovis' nomination to be USDA's top scientist hours after Senate Agriculture Chairman [Pat Roberts](#) suggested he would leave the [fate](#) of the controversial pick to the administration, Pro Agriculture's Helena Bottemiller Evich [reports](#). "President Trump made a good choice in nominating Dr. Sam Clovis and he has my full support," Perdue said. Clovis has raised eyebrows for his climate skepticism and lack of scientific background, among other issues.

NEW YORK OPPOSES SOLAR TRADE PETITION: With just a week to go until the International Trade Commission votes on whether to slap imported solar products with steep tariffs, New York state [added its voice](#) to those opposing the petitions of Suniva and SolarWorld Americas Inc. "If the relief requested by the Petitioners were to be ultimately granted, New York State's residential, small commercial, and industrial-scale PV projects would all substantially contract or disappear," Richard Kauffman, the state's energy czar, wrote. "Rather than grow to 12,000 jobs by 2021, the industry would be able to support just half the number of jobs it supports today."

UTAH GOVERNOR: ZINKE INDICATED MONUMENT DOWNSIZING: Utah Gov. Gary Herbert [told local reporters](#) Thursday that Zinke had indicated to him that Grand Staircase-Escalante National Monument was an "abuse of the Antiquities Act" and said he thought it should be carved up "into smaller monuments - two or three." In addition, Herbert said the "indication" on Bears Ears National Monument is it will be shrunk down. The Trump administration has not said when it plans to release Zinke's recommendations publicly, though rumblings are it could come as soon as today.

ICYMI: Democrats and taxpayer advocates are concerned industry has an outsized role on the 20-member advisory committee named by Zinke to review royalty rates that oil, natural gas and coal companies pay for access to federal land and water, Pro's Ben Lefebvre [reports](#). The group includes five energy company representatives and six others members who hail from energy-friendly, GOP-led local governments, but critics say it lacks adequate public interest group or Democratic representation.

EPA TOP LAWYER NOMINEE REPRESENTED BASF, FORD, UTILITY: Matt Leopold, President Donald Trump's nominee for EPA general counsel, has represented several regulated companies in recent years, including a leading chemical manufacturer, automaker and utility, according to a [financial disclosure posted](#) by the National Law Journal. Leopold has been an attorney at the Tallahassee-based Carlton Fields since 2015, and his client roster, according to the disclosure, included chemical giant BASF, automaker Ford Motor Company and utility Florida Power & Light. Leopold also listed analysis firm Resource Environmental Solutions; Comanco Environmental Corporation, which builds containment systems; and sand miner Edgar Minerals. He was previously general counsel for the Florida Department of Environmental Protection. Leopold and other EPA nominees will get a hearing Wednesday.

WOTUS-LINKED JUDGE ADVANCES: North Dakota District Judge Ralph Erickson, who gained national attention (at least among energy watchers) when he placed the Obama administration's waters of the U.S. regulation on ice back in 2015, saw his nomination to 8th U.S. Circuit Court of Appeals advance through the Senate Judiciary Committee on Thursday. The vote was 20-0. Democrat [Heidi Heitkamp](#) praised the action as "[great news](#)" following the hearing.

REPORT: RAPID ACTION NEEDED TO ADDRESS CLIMATE CHANGE: Limiting global temperature increases to less than 2 degrees Celsius cannot be done by reducing carbon dioxide emissions alone and additional action must be taken by 2020, according to a [report and peer-reviewed paper](#) out late Thursday from 33 climate policy experts. Policymakers must also drastically reduce short-lived super climate pollutants, such as HFCs and methane, by 2020 and undertake atmospheric carbon extraction. "Scientists have many ideas about how to reduce emissions, but they all agree on the urgency of strong and decisive action to remove carbon from the economy," California Gov. Jerry Brown said in a statement about the study.

MAIL CALL! WHAT'S THE DEAL WITH THOSE EPA CUTS? Six EPW Democrats, led by Carper, asked EPA in a Thursday [letter](#) to provide additional information on its intended workforce reductions. They expressed concern that implementing the Trump's administration already proposed cuts and "further White House direction to plan for additional longer term down-sizing would damage EPA's ability to carry out its Congressionally-mandated mission to protect public health and the environment."

DEMOCRATS FIGHT WOTUS REPEAL: Twenty-one members of the Senate Democratic caucus, led by [Ben Cardin](#) and Carper, urged Pruitt and the Army Corps of Engineers in a [letter](#) released Thursday to reconsider plans to scrap the Obama administration's Waters of the U.S. regulation. "For an administration to change the definition of what constitutes a water of the

United States almost immediately upon entering office creates more, not less, regulatory uncertainty," they wrote. "We need stability and certainty for our constituents to be safe and our economy to grow."

LAWSUIT CHALLENGES EFFICIENCY ROLLBACK: Democracy Forward, representing the Natural Resources Defense Council, filed a [lawsuit](#) Thursday challenging the Trump administration's decision to stay two provisions of a January air conditioning efficiency rule. The lawsuit argues the rule had already gone into effect when DOE issued the stay and that the agency failed to adequately explain its decision.

GROUP SLAMS TRUMP'S CHEMICALS NOMINEE: The Environmental Working Group released a report today arguing Michael Dourson, Trump's nominee to run EPA's chemicals division, has "consistently fought to weaken proposals to protect our families from dangerous chemicals, including chemicals linked to cancer, brain damage and reproductive harm." Read it [here](#).

MORE SUPPORT FOR NORTHAM IN VIRGINIA: A broad array of liberal groups, including the Tom Steyer-backed Next Gen America and the Virginia League of Conservation Voters PAC, are joining forces in a \$2 million campaign to boost Democratic Lt. Gov. Ralph Northam for governor, Pro Campaign's Kevin Robillard [reports](#). The digital ads, which begin running this week through the election, aim to reach and turn out more than 1.2 million voters.

GREENS, SPORTSMEN TEAM UP: The Congressional Sportsmen's Foundation and the National Wildlife Federation have signed a memorandum of understanding in hopes of advancing wildlife conservation and access to public lands.

MOVER, SHAKER: Tracy Stone-Manning is the new associate vice president for public lands at the National Wildlife Federation. She was previously Montana Gov. Steve Bullock's chief-of-staff and before that his director of the Department of Environmental Quality.

Doug Little, an Arizona Corporation Commissioner, has accepted the position of deputy assistant secretary for intergovernmental and external affairs at DOE. "I have enjoyed serving Arizona and look forward to this tremendous opportunity to influence energy policy at the national level," he said in a statement. First elected in 2014 (more on that [here](#)), Little served as chairman of the commission last year and also joined the board of directors for the National Association of Regulatory Utility Commissioners. He starts Oct. 2.

QUICK HITS

- EPA won't release benzene levels collected post-Harvey; private tests show elevated levels. [Texas Tribune](#).

- Mexico court temporarily blocks higher ethanol in gasoline -activist. [Reuters](#).

- EPA Will Let Houston Lab's Lease Expire In 2020, Agency Says. [TPM](#).

- How to make \$240,000 in 6 months by being friends with Rick Perry. [Think Progress](#).
- Pennsylvania coal production up by 20 percent from 2016. [Tribune-Review](#).
- North Korea conflict could cripple these oil and chemical facilities. [CNBC](#).
- Floating Tar, Dead Fish: Oil Spill Threatens Greek Beaches. [New York Times](#).

THAT'S ALL FOR ME!

To view online:

<http://www.politico.com/tipsheets/morning-energy/2017/09/15/unfilled-vacancies-still-worry-gop-senators-222302>

To change your alert settings, please go to <https://secure.politico.com/settings>

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

Please click [here](#) and follow the steps to unsubscribe.
