

Message

From: Ellis, Joe [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]
Sent: 30/05/2017 13:52:13
To: Stout, Robert [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]; Nolan, James [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]; Stutz, Rachel [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]; Miner, Robert [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]; Brien, Michael P [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]
CC: Streett, Mary [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]; van Hoogstraten, David Jan [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]
Subject: RE: Attendance at the Faegre, Baker, Daniels Symposium

Thanks, Bob.

Redacted - First Amendment

From: Stout, Robert
Sent: Sunday, May 28, 2017 12:21 PM
To: Nolan, James; Stutz, Rachel; Miner, Robert; Brien, Michael P
Cc: Streett, Mary; Ellis, Joe; van Hoogstraten, David Jan; Stout, Robert
Subject: FW: Attendance at the Faegre, Baker, Daniels Symposium

FYI and see brief reference to East Chicago.

Bob

From: van Hoogstraten, David Jan
Sent: Wednesday, May 24, 2017 5:41 PM
To: Stout, Robert
Subject: Attendance at the Faegre, Baker, Daniels Symposium

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Path on Clean Power Plan 'yet to be determined' — Pruitt

Emily Holden, E&E News reporter

Published: Wednesday, May 24, 2017

U.S. EPA Administrator Scott Pruitt called American action on climate change a "bad business deal," promoted fossil energy and said his agency hasn't yet determined whether to replace the Clean Power Plan.

In his most extensive public remarks since taking office, Pruitt told a small gathering at a conference sponsored by the law firm Faegre Baker Daniels LLP that EPA would focus on three core principles: "the rule of law," "process" and "cooperative federalism."

"We're getting back to the basics," Pruitt said.

Pruitt called regulatory uncertainty, in the energy world and beyond, the "biggest impediment to economic growth" in recent years. Environmental advocates argue that pro-climate policies could boost the GDP.

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Pruitt noted that carbon levels are lower than in the 1990s, attributing that to innovation and technology, not government intervention.

The global Paris climate deal "represents the rest of the world applauding as we penalize ourselves and hurt our economy," he said. He called the agreement a "bumper sticker" for the Obama administration and said it was "mostly talk and little action."

He also contended the United States wouldn't have met its obligations with regulations on the books. Environmentalists don't agree. Bruce Nilles, head of the Sierra Club's Beyond Coal campaign, countered that "it is bad for business to keep betting on coal" when utilities are working to cut emissions.

Pruitt said the Obama administration's signature climate rule, the Clean Power Plan, which would have called on states and utilities to cut power plant carbon emissions, was a "reimagination of authority." He said it would have cost \$292 billion, citing figures from a report prepared for the American Coalition for Clean Coal Electricity that were far higher than estimates from the Obama EPA.

President Trump has directed EPA to review the Clean Power Plan, with an eye toward unwinding it. Legal experts have suggested EPA might want to replace the rule with something less stringent to avoid lawsuits for not acting on the agency's previous finding that carbon emissions are a danger to public health. A new rule could focus solely on efficiency improvements at coal plants, for example. The White House has struggled with which route to take, however.



U.S. EPA Administrator Scott Pruitt and Faegre Baker Daniels principal Andrew Wheeler spoke this afternoon during a symposium on energy and the environment. @FaegreBD/Twitter

Asked whether EPA could replace the regulation, Pruitt said, "That's yet to be determined."

He contrasted the Clean Power Plan to the Waters of the U.S. rule, which he said would require new definitions of regulated waterways.

"On Clean Power Plan, I think it's yet to be determined," he said. "I think there's a fair question to be asked and answered on that issue with stationary sources. What are the tools in the toolbox?"

Pruitt said EPA has "struck out" twice before on carbon dioxide emissions. He noted one Supreme Court decision that upheld EPA's ability to regulate greenhouse gases from large sources but stopped it from regulating smaller ones. He also referenced the Supreme Court stay on implementing the Clean Power Plan, which is still in effect.

Pruitt said he asked lawmakers during his confirmation process what laws could be used to regulate CO2 from power plants. He added that he believes the way the Obama administration pursued standards was illegal and was instrumental in his decision as Oklahoma attorney general to bring a case against EPA.

He argued that the 1990 amendments to the Clean Air Act were focused on local and regional air pollutants, not carbon.

Superfund

Pruitt also defended an Energy Department grid reliability study that would explore whether renewable power is pushing coal-fired power plants offline, but he added that the government shouldn't pick winners and losers.

He said pushing for 100 percent renewable power is "just not wise" and that "we need to have fuel diversity."

Nilles said, "Ending carbon pollution is critical if we are to avoid warming above 1.5 degrees — hence the push for 100 percent."

Pruitt said his agency can do a better job than the Obama administration in cleaning up pollution, even if it has less money.

In recent weeks, EPA has announced a renewed focus on Superfund sites, which Pruitt says the Obama administration failed to address. Superfund spending would fall by about a third under Trump's budget proposal.

Pruitt said that "leadership, attitude, management and focus" would be "key to restoring a commonsense Superfund portfolio."

Faegre Baker Daniels principal Andrew Wheeler, who is reportedly being considered for EPA's deputy administrator position, moderated questions for Pruitt and asked about his timeline for filling the job (*Greenwire*, March 24).

Pruitt didn't give a deadline but did note EPA's 10 regional office heads don't need Senate approval and could be in place quickly. He said that would speed communications with regulated industries. Staffers have denied speculation that EPA might close some regional offices.

David J. van Hoogstraten

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