

# Exhibit E 1

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## Environmental Protection Agency leader talks Mississippi water, energy

*Anna Wolfe, The Clarion-Ledger*

10-12 minutes



U.S. Environmental Protection Agency Administrator Scott Pruitt met Gov. Phil Bryant Thursday to discuss changes to the Waters of the United States rule. (Photo: Special to The Clarion-Ledger)

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

**FROM PBS FRONTLINE:** [How Scott Pruitt's EPA Is Erasing Obama's Climate Change Legacy](#)

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

Pruitt, who's good friends with Mississippi House Speaker Philip Gunn and [sat with him](#) on the Southern Baptist Theological Seminary board of trustees, also discussed his repeal of Obama-

era regulations aimed at reducing carbon dioxide emissions from electrical power generation by 32 percent by 2030.

"It's pretty evident that Mr. Pruitt has decided to be a shill for the coal industry and utilities in this country," said Mississippi Sierra Club Director Louie Miller, who calls the Clean Power Plan a "modest" and "common sense approach" to reducing emissions.

With respect to the shift to renewable energy, Miller said, "It's going to happen with or without them, despite their draconian policies to try to resurrect and subsidize with taxpayer dollars an industry that is dying."

The administrator visited The Clarion-Ledger Thursday. Here's what we asked:



EPA Director Scott Pruitt speaks to reporters at The Clarion-Ledger in Jackson Thursday, Oct. 12, 2017. (Photo: Justin Sellers/The Clarion-Ledger)

## **Water**

### **Overall, do you foresee shifting more regulatory authority to the states?**

On this particular issue I don't know if it's as much shifting authority to the states. I think at first it's saying, "What is our authority?" I think that's what's up for debate and unknown at this point. What federal jurisdiction do we have and have we made it clear to people across the country? We have robust state regulatory bodies, laws, with nonpoint source pollutant. States have been very involved in water quality standards in that regard. They set the water quality

standards under the Clean Water Act.

Really this question is not about delegating or giving authority to the states, it's more about what is our authority and then let things kind of flow from there. Forgive the reference to flow. But that's exactly what we're doing.

**Given Mississippi has some pretty fragile wetlands, ecosystems, people hear deregulation and become worried. Can you give assurances you're still going to be looking out for wetlands?**

The question, at first instance, is the Clean Water Act gives the EPA authority to regulate waters of the U.S., so we have to determine what Congress, the case law, the legislative history, what did they mean when they put that term in the Clean Water Act? We can't just simply make it so broad because we want to. We can't just re-imagine authority and stretch it so far, because the courts will come in like they did here, and say it can't mean that. Because clearly Congress did not intend for you to have jurisdiction over every water body, whether it's got navigable characteristics or not, dry creek beds or puddles, or drainage ditches. I mean that is clearly not within the confines of the Clean Water Act.

We have to provide that kind of bright line test and objectivity and then as we do that, states will come in and do what? They're various programs they administer through the Clean Water Act already. It's more jurisdictional than it is anything else.

**Pascagoula River is considered endangered. It's the largest undammed river in the Continental United States. There's been debate over plans to dam it, create a reservoir. What are we going to see from this administration as far as protections in place now?**

Water quality, water infrastructure needs to be a priority in the years ahead, and it's not been for a number of years. Water infrastructure is an example. We have aging infrastructure in the East Coast, rural communities across the country, tribal communities across the country, there's a need, a tremendous need to invest in

infrastructure that ensures safe drinking water. Our wastewater treatment facilities also need attention.

These other areas we're talking about are again, jurisdictional.



EPA Director Scott Pruitt speaks to reporters at The Clarion-Ledger in Jackson Thursday, Oct. 12, 2017. (Photo: Justin Sellers/The Clarion-Ledger)

## **Coal**

### **What does the Clean Power Plan withdrawal mean for the plants in Mississippi currently cleaning up?**

It is a process similar to the Waters of the United States in the sense that you have a rule that was adopted by the previous administration that the U.S. Supreme Court, in an unprecedented way, issued a stay against its enforcement. That'd never happened in history. While the case was being litigated, the U.S. Supreme Court intervened to issue a stay, because of their view that it was not consistent with the law.

What we're doing is, that's going away, and then we are evaluating under section 111 what steps we can take with respect to reduction of pollutants.

That will happen in 2018 as well. But as far those pollutants we

regulate under the Clean Air Act, the criteria pollutants, as an example, nitrogen dioxide, sulfur dioxide, ozone, particulate matter, we are seeing tremendous progress being made there. We've reduced those criteria pollutants that we regulate under the Clean Air Act by over 65 percent since 1980. No one knows that. That's what's so amazing to me. If you go back to the inception of the Clean Water Act and Clean Air Act, we've come so far. We have lots of work to do, but we ought to celebrate the progress we've made.

Now, how have we done that? We've done that largely through innovation and technology. Something else that's not known very much either, we're at pre-1994 levels as we sit in this room right now, with respect to carbon dioxide. We've done that largely through hydraulic fracturing and horizontal drilling, the conversion to natural gas and the generation of electricity.



EPA Director Scott Pruitt speaks to reporters at The Clarion-Ledger in Jackson Thursday, Oct. 12, 2017. (Photo: Justin Sellers/The Clarion-Ledger)

**Our coal-fired plant, Plant Daniel on the Coast, is under a plan to clean up, will this halt those efforts?**

The agency has used its authority over the last several years, to pick winners and losers, where they come in and issue regulations

and try to coerce a utility company, as it relates to the power grid, to only use certain types of fuel to generate electricity. We need more diversity in how we generate electricity, not less.

We're exceeding our authority in that regard. Utility companies and states and others ought to make decisions based on reliability, cost, and as they make decisions, guess what we ought to do? We ought to take our statutes and issue regulations that set standards and expectations on equipment that should be deployed in each of those facilities to achieve better outcomes.

When you say this facility that's issuing scrubbers — there is technology today that we didn't have 20 years ago in those areas, and we'll continue to look at that technology to improve outcomes, but we shouldn't coerce that.

You have an investor-owned facility that's making decisions about the generation of electricity in Mississippi and you have an investment in certain facilities that if you displace them, they're strained in cost and consumers pay more

That's not our role. Our role is to use the Clean Air Act to establish standards that requires those in the marketplace to use the right type of equipment to mitigate or lower emissions, but not to engage in coercion, not to engage in picking winners and losers, not to say you must shift how you generate electricity to kind of an all renewables kind of approach. Renewables should be a very important part of how we generate electricity, but those across the country that say that you can rely exclusively on renewables, are simply not telling the story. You cannot generate and serve base load energy in this country on a consistent basis and see any economic growth and think you can rely 100 percent on renewables.

## **Money**

**You've received criticism about spending a lot of time with lobbyists and corporate executives and not spending considerable time with environmental advocates and groups.**



### **Is that fair?**

Define environmental groups. That's the thing I think is so misleading about the question. Because I'm spending time — when I was in Mississippi today, guess who I was spending time with? People who are living under these regulations every single day, that have, I think, a commitment to clean air and clean water. Think about a farmer or rancher. The greatest asset they have is what? Their land.

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# Exhibit E2

## EPA

### Pruitt publicly lauds Trump after 2016 criticisms resurface

Niina Heikkinen, E&E News reporter

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U.S. EPA Administrator Scott Pruitt yesterday said he has changed his mind about President Trump after his 2016 con then-presidential candidate a "bully." @EPAScottPruitt/Twitter

A day after Scott Pruitt's 2016 remarks disparaging Donald Trump made headlines, the U.S. EPA administrator publicly heaped praise on his boss.

"The president's leadership on [regulatory reform] has been extraordinary," Pruitt said

yesterday. "If you look at the past year and what's been happening across a whole spectrum of agencies from Interior to our agency, across the board, regulatory reform is making a difference. It is making people optimistic for the first time."

The EPA administrator was speaking at the National Association of State Departments of Agriculture in Washington, D.C., where he touched on his recent state action tour, "regulatory certainty" and the best way to protect the nation's natural resources.

Pruitt pointed to low national unemployment and a high stock market and consumer confidence as evidence the president's agenda on "regulatory certainty" was working.

"It's very exciting," he said of Trump's priorities.

The remarks followed widespread circulation Tuesday of Pruitt's February 2016 talk radio interview that Trump in the White House would be "more abusive to the Constitution than Barack Obama." Pruitt, who supported Jeb Bush's presidential candidacy, said yesterday that he's since changed his mind about Trump, whom he called "the most consequential leader of our time." It's unclear whether the attention on the radio interview will impact Pruitt's relationship with the president.

Pruitt's situation is "awkward at best," Christine Todd Whitman, who led EPA during the George W. Bush administration, told E&E News earlier this week. "When you criticize the president, not much slips under the radar," she said ([Climatewire](#), Jan. 31).

Pruitt was met with a warm reception from NASDA conference attendees who stood up and applauded as he took the stage at the Grand Hyatt Washington Hotel to answer questions from Oklahoma Agriculture Commissioner Jim Reese.

Pruitt pushed back on the idea that EPA was merely slashing regulations through rollbacks of the Clean Water Rule and Clean Power Plan. Instead, he framed the agency's work as fixing deficient rules.

"[T]he Clean Power Plan, that was overreach that was stayed by the Supreme Court. We're getting rid of that and providing a substitute. I think what people sometimes think is when you fix these things that there is an absence or a void for regulation; that is simply not the case. What we are doing is getting back in our lane," he said.

He cautioned that updating the rules is a process that will take time.

"What's more challenging is the mindset and attitude on how we address natural resources, management of those resources and environmental principles," he said.

Pruitt noted that the country has a choice between promoting stewardship of the land and prohibiting its use altogether.

"From my perspective, it shouldn't be prohibition. It shouldn't be — though we've been blessed with all these natural resources to feed the world — literally, and to power the world, though we've been blessed, we should put up fences and never touch them. That's a wrongheaded approach, and we've never been there as a country," he said.

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