

Message

From: Shea, Quin [QShea@eei.org]
Sent: 8/15/2018 2:17:11 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
Subject: Re: Groundwater Issues

Sounds good. Thanks.

Sent from my iPhone

On Aug 15, 2018, at 8:33 AM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

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Let's do 11.

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Tuesday, August 14, 2018 9:21 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues
Importance: High

Will: Sorry for not responding sooner, but I had to check a lot of schedules. Our team is available between 9 a.m. and noon, inclusive, so basically any start time between 9 and 11:15 will work for us. Let me know what works for Brittany. Thanks, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Tuesday, August 14, 2018 1:27 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Quin,

Monday looks like it will work. What time works before 2 pm?

Thanks,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Tuesday, August 14, 2018 9:20 AM

To: Lovell, Will (William) <lovell.william@epa.gov>

Subject: RE: Groundwater Issues

Hi Will. Per our last conversation, attached just for background purposes are EEI's recent comments on groundwater/hydrologic connection-related issues. Let me know what options may be available for a rescheduled session with Brittany. Probable attendees for the EEI meeting include the following:

- Quinlan Shea, VP, Environment and Natural Resources
- Emily Fisher, VP, Law
- David Chung, outside counsel, Crowell & Moring
- Rich Bozek, Director, Environmental Policy
- Riaz Mohammed, Manager, Environmental Affairs
- Henri Bartholomot, Associate General Counsel

From: Lovell, Will (William) <lovell.william@epa.gov>

Sent: Monday, August 13, 2018 4:12 PM

To: Shea, Quin <QShea@eei.org>

Subject: RE: Groundwater Issues

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I apologize, Quin – an appointment has just come up with the Administrator. Could you reschedule for Monday (8/20) before 2 pm?

From: Lovell, Will (William)

Sent: Monday, August 13, 2018 12:21 PM

To: 'Shea, Quin' <QShea@eei.org>

Subject: RE: Groundwater Issues

Quin,

We just had scheduling this morning – looks like 10:30 works best if that still works for you.

Also, do you plan to have any others in your party? And are there any read-ahead materials you could provide ahead of time?

Thank you,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]

Sent: Sunday, August 12, 2018 9:14 PM

To: Lovell, Will (William) <lovell.william@epa.gov>

Subject: Re: Groundwater Issues

Will do, thanks.

Sent from my iPhone

On Aug 12, 2018, at 8:18 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

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Quin,

Let's say 10:45 am.

Thanks,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Friday, August 10, 2018 6:15 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

Thanks again Will. August 15, between 10:30 and noon inclusive is our requested window, so please lock in a slot and let me know. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Friday, August 10, 2018 4:48 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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We just got confirmation! How do the following dates/times look for you?:
8/14 after 3:30 pm
8/15, 10:30 am – 3 pm

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Friday, August 10, 2018 3:56 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

thx

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Friday, August 10, 2018 3:55 PM
To: Shea, Quin <QShea@eei.org>
Subject: Re: Groundwater Issues

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Sorry, Quin. Trying to pin down one more meeting on the Administrator's calendar then I'll be good to reach out to you with times.

Sent from my iPhone

On Aug 10, 2018, at 3:51 PM, Shea, Quin <QShea@eei.org> wrote:

Hi Will. Any update on when we may be able to close on a potential meeting time with Brittany? Thanks, and have a good weekend. Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Tuesday, August 07, 2018 5:24 PM
To: Shea, Quin <QShea@eei.org>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

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Thank you, Quinn. We will get back to you as soon as possible.

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From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org

Message

From: Shea, Quin [QShea@eei.org]
Sent: 8/14/2018 1:19:38 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: Groundwater Issues
Attachments: Pages from EEIGroundwaterCommentsFINAL_052118.pdf

Flag: Follow up

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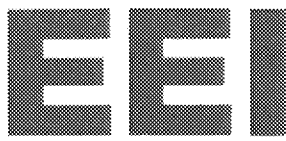
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Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org



**Edison Electric
INSTITUTE**

Quintan J. Shea, III
Vice President, Environment

May 21, 2018

Scott Wilson
Office of Wastewater Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

[Submitted electronically via www.regulations.gov]

Dear Mr. Wilson:

The Edison Electric Institute (EEI) appreciates the opportunity to submit these comments on the U.S. Environmental Protection Agency's (EPA or Agency) request for input on the Agency's previous statements regarding the Clean Water Act (CWA or Act) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation. *See Clean Water Act Coverage of 'Discharges of Pollutants' via a Direct Hydrologic Connection to Surface Water*, 83 *Fed. Reg.* 7,126 (Feb. 20, 2018).

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans, and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States. In addition to our U.S. members, EEI has more than 60 international electric companies, with operations in more than 90 countries, as International Members, and hundreds of industry suppliers and related organizations as Associate Members. EEI's members own and operate electric generating units and other facilities that generate, transmit and distribute electricity to residential, governmental, commercial and industrial customers. EEI's members require many federal, state and local permits—including CWA section 402 permits, known as National Pollutant Discharge Elimination System (NPDES) permits—to site and operate their facilities.

Driven by a number of factors, including customer demands, technology developments, and federal and state regulatory obligations, the electric sector is undergoing a transition of its generating fleet that will continue over the next decade and beyond. Concurrent with this transition, EEI member companies are investing significant amounts of capital—more than 113 billion dollars in 2017 alone—to make the energy grid smarter, cleaner, more dynamic, more flexible and more secure to integrate and deliver to customers a balanced

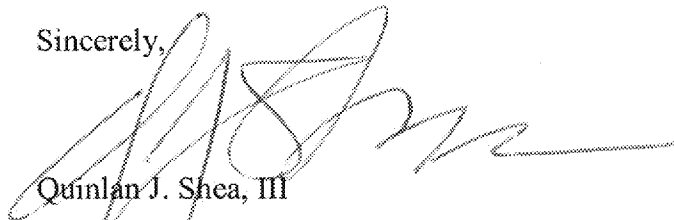
mix of resources from both central and distributed energy resources. As part of our commitment to this cleaner energy future, EEI and its members are working to develop "smart communities" to provide customers with innovative solutions and bring the benefits of clean energy resources to communities everywhere. This commitment and the industry's infrastructure investments are additionally beneficial in that they provide domestic job opportunities. Safe, reliable, affordable and clean energy powers the economy, promotes national energy independence and enhances the lives of all Americans.

EEI and its members have a substantial interest in the issue presented here, as some members currently are litigating or recently have litigated cases that address whether the NPDES program applies to discharges that migrate through hydrologically connected groundwater to reach waters that are jurisdictional under the CWA. Additionally, EEI members could be the target of future citizen suit litigation seeking to expand NPDES requirements to releases to groundwater, e.g., from coal ash impoundments.

It would be appropriate for EPA to take this opportunity to clarify that the strict, and potentially criminal, liability of the CWA does not apply to groundwater seepage and other diffuse means of pollutant transport. EEI's comments focus on why the CWA's text, structure and legislative history, read together, most reasonably support an interpretation that discharges to jurisdictional surface water via hydrologically connected groundwater are not subject to CWA liability. Accordingly, EPA should promptly adopt this reasonable interpretation through notice-and-comment rulemaking.

If you or your colleagues have any questions about these comments, please contact either Rich Bozek Ex. 6 or rbozek@eei.org) or Riaz Mohammed Ex. 6 or rmohammed@eei.org).

Sincerely,



Quinlan J. Shea, III

cc: Hon. Matthew Leopold, EPA General Counsel
Hon. David Ross, Assistant Administrator, EPA Office of Water

COMMENTS OF THE EDISON ELECTRIC INSTITUTE
ON
CLEAN WATER ACT COVERAGE OF “DISCHARGES OF POLLUTANTS”
VIA A DIRECT HYDROLOGIC CONNECTION TO SURFACE WATER,
83 *FED. REG.* 7,126 (FEB. 20, 2018)

DOCKET ID NO. EPA-HQ-OW-2018-0063

May 21, 2018

I. Introduction and Executive Summary.

The Edison Electric Institute (EEI) appreciates the opportunity to submit these comments in response to the U.S. Environmental Protection Agency's (EPA or the Agency) request for comment on the Agency's previous statements regarding whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to Clean Water Act (CWA or the Act) regulation. *See Clean Water Act Coverage of 'Discharges of Pollutants' via a Direct Hydrologic Connection to Surface Water*, 83 *Fed. Reg.* 7,126 (Feb. 20, 2018).

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Driven by a number of factors—including customer demands, technology developments, and federal and state regulatory obligations—the electric sector is undergoing a transition of its

generating fleet that will continue over the next decade and beyond. Concurrent with this transition, EEI member companies are investing significant amounts of capital—more than 113 billion dollars in 2017 alone—to make the energy grid smarter, cleaner, more dynamic, more flexible, and more secure in order to integrate and deliver a balanced mix of resources from both central and distributed energy resources to customers. As part of a commitment to this cleaner energy future, EEI and our members are working to develop smart communities in order to provide customers with innovative solutions that can improve our communities and support our ability to bring the benefits of clean energy resources to communities everywhere. This commitment and the industry's infrastructure investments are additionally beneficial in that they provide domestic job opportunities. Safe, reliable, affordable and clean energy powers the economy, promotes national energy independence and enhances the lives of all Americans.

EEI and our members have a substantial interest in the issue presented here, as some members currently are litigating or recently have litigated cases that address whether the NPDES program applies to discharges that migrate through hydrologically connected groundwater to reach waters that are jurisdictional under the CWA. Additionally, EEI members could be the target of future citizen suit litigation seeking to expand NPDES requirements to releases to groundwater, *e.g.*, from coal ash impoundments. It is appropriate and necessary for EPA to take this opportunity to clarify that the strict, and potentially criminal, liability of the CWA does not apply to groundwater seepage and other diffuse means of pollutant transport.

Such a rulemaking is critical to providing much-needed legal and regulatory certainty to regulators, the regulated community, and the public and to preserve the careful balance between state and federal authority Congress crafted in the CWA. In particular, EPA should move swiftly

to clarify its previous conflicting statements concerning the scope of the NPDES program and whether the CWA covers releases of pollutants to groundwater that is hydrologically connected to jurisdictional surface waters.¹ EEI's comments focus on why the CWA's text, structure, and legislative history, read together, most reasonably support an interpretation that discharges to jurisdictional surface water via hydrologically connected groundwater are not subject to CWA liability.

Reading the statute as a whole allows EPA to preserve key CWA distinctions between both point source discharges and nonpoint source pollution—and between groundwater and navigable waters—in a manner that preserves the careful balance Congress established in the Act. Further, since such “discharges” are subject to other federal and state regulatory requirements, those requirements act as strong additional evidence that confirm the appropriateness of such an interpretation. Moreover, significant practical considerations weigh in favor of adopting an interpretation of the CWA that the NPDES program does not cover discharges via groundwater. If adopted, the “direct hydrologic connection” theory would leave most individuals and businesses with no real way of knowing whether their conduct requires an NPDES permit, and if so, what the requirements of that permitting program might be. It would be appropriate for the Agency to promptly adopt this reasonable interpretation through notice-and-comment rulemaking.

¹ Federal district and appellate courts have conflicting opinions regarding whether the NPDES program should apply to releases to groundwater; these opinions have resulted in a great deal of confusion and uncertainty for EPA, state water quality agencies, the regulated community and the public. These impacts are discussed, *infra*. Numerous entities have noted in the many cases pending in both district courts and courts of appeals that the CWA unambiguously compels the conclusion that the NPDES program does *not* extend to discharges via hydrologically connected groundwater.

II. EPA Should Clarify that the CWA Does Not Require NPDES Permits for Releases of Pollutants via Groundwater.

As EPA’s request for comments explains, federal courts have struggled for decades with whether the CWA regulates the release of pollutants from a point source to groundwater, which ultimately reach jurisdictional surface waters via groundwater migration. *See* 83 *Fed. Reg.* at 7,127–28. Those courts have reached conflicting interpretations of the CWA, depending on what aspects of the statute they emphasized and what weight, if any, they gave to certain EPA statements on this issue. Amidst this confusion, at least one thing is clear: EPA has never conducted a rulemaking—or provided guidance—as to whether NPDES permits are required for discharges via hydrologically connected groundwater. Fortunately, EPA now has the opportunity to provide much needed clarity. EPA should definitively conclude that, read as a whole, the text, structure, and history of the CWA support the interpretation that discharges via groundwater migration do not require NPDES permits.

A. The CWA’s Text and Structure Support the Conclusion That NPDES Permits Are Not Required for Discharges via Groundwater.

The CWA prohibits “the discharge of a pollutant” except where an enumerated exception applies. 33 U.S.C. § 1311(a). The most prominent exception is for “the discharge of any pollutant” authorized by an NPDES permit. *See id.* § 1342(a)(1). The Act defines “discharge of a pollutant” as “any addition of any pollutant to navigable waters from any point source.” *Id.* § 1362(12). “Point source,” in turn, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” *Id.* § 1362(14).

The Act plainly distinguishes between point source discharges and nonpoint source pollution. Nonpoint source pollution is neither defined in the Act nor mentioned anywhere in CWA section 402. By definition, nonpoint source pollution is not subject to NPDES permitting, because a

“discharge of a pollutant” can only occur “from any point source.” *See id.* §§ 1342(a)(1), 1362(12); *see also Ecological Rights Found. v. Pac. Gas & Elec. Co.*, 713 F.3d 502 (9th Cir. 2013) (“NPDES permits are required for discharges from any ‘point source,’ but not for discharges from ‘nonpoint sources.’”). Congress instead left it to the states to control nonpoint source pollution under other provisions of the CWA. *See* 33 U.S.C. §§ 1288(b)(2), 1314(f), 1329; *see also Appalachian Power Co. v. Train*, 545 F.2d 1351, 1373 (4th Cir. 1976) (“Congress consciously distinguished between point source and nonpoint source discharges, giving EPA authority under the Act to regulate only the former.”). Congress drew this important distinction while expressly recognizing that the states retain primary responsibility over the development and use of land and water resources. *See* 33 U.S.C. § 1251(b).

Just as important as the Act’s distinction between point and nonpoint sources is the distinction between “navigable waters” and “ground waters.” As noted above, the Act’s NPDES program applies only to discharges “to *navigable* waters from any point source.” 33 U.S.C. § 1362(12) (emphasis added). There is no mention of “ground waters” in either the definitions of “discharge of a pollutant” or “point source.” *See id.* §§ 1362(12), (14). Nor is there any reference to “ground waters” anywhere in CWA section 402. *See id.* § 1342. Like nonpoint source pollution control, Congress left the regulation of groundwater to states. *See Rice v. Harken Expl. Co.*, 250 F.3d 264, 271-72 (5th Cir. 2001) (“Congress was aware that there was a connection between ground and surface waters” but nevertheless decided “to leave the regulation of groundwater to the States.”).

Several provisions of the statute indicate that Congress did not intend for discharges via groundwater migration to be subject to NPDES permitting. Congress knew that both point source

discharges and nonpoint source pollution could impact surface water quality, but it nevertheless purposefully decided to address those sources differently, requiring NPDES permits only for point source discharges to navigable waters. Section 301(b) of the CWA illuminates the point by making effluent limitations the principal mechanism in NPDES permits for controlling discharges of pollutants, and effluent limitations are integral to the overall NPDES scheme. *See* 33 U.S.C. § 1311. However, effluent limitations cannot be straightforwardly, practically or evenly applied to discharges into groundwater; by definition, they apply only to discharges “into navigable waters.” *Id.* § 1362(11). Thus, if discharges to groundwater were subject to NPDES requirements, the statute would make no sense, because the primary means of controlling pollutants under the NPDES program—the effluent limitation—would not apply to those discharges. EPA must avoid constructions of the statute that lead to such illogical outcomes.

Section 304(f) further illustrates that Congress did not mean for discharges via groundwater migration to be regulated under the NPDES scheme. Section 304 expressly directs EPA to issue “guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants” and “processes, procedures, and methods to control pollution” from things like “the disposal of pollutants in wells or in subsurface excavations.” 33 U.S.C. § 1314(f); *Nat’l Wildlife Fed’n v. Consumers Power Co.*, 862 F.2d 580, 587 (6th Cir. 1988) (noting that “Congress apparently intended that pollution problems caused by” facilities described in § 1314(f) “are generally to be regulated by means other than the NPDES permit program”).

Likewise, in section 208 of the CWA, Congress required states to develop area-wide waste treatment management plans that include “a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.” 33

U.S.C. § 1288(b)(2)(K). CWA section 208 and, later, section 319—which empowers the States to improve control of nonpoint sources affecting attainment of applicable water quality standards— “were designated by Congress as methods to keep states accountable for identifying and tracking nonpoint sources of pollution, as well as identifying ‘the best management practices and measures’ to reduce such pollution.” *Or. Nat. Desert Ass’n. v. U.S. Forest Serv.*, 550 F.3d 778, 785 (9th Cir. 2008).

Last, Congress knew exactly how to differentiate between “navigable waters” and “ground waters” in the CWA, which is precisely what it did in sections 102 and 104 of the Act. *See* 33 U.S.C. § 1252(a) (referencing “navigable waters and ground waters”); *id.* § 1254(a)(5) (same). In numerous other parts of the Act, Congress referred to “ground waters” or “underground waters.” *E.g., id.* §§ 1256(e)(1), 1274(a)(4), 1282(b)(2), 1291(b), 1314(a)(1)–(2), 1329(b)(2)(A), 1329(h)(5)(D), 1329(i)(1). The omission of either of those terms from the key provisions relevant to the NPDES program, *see* 33 U.S.C. §§ 1342, 1362(12), (14), is strong contextual evidence that Congress did not intend for pollutants released via groundwater migration to be subject to the NPDES program.

In examining the statute as a whole, EPA must take care to preserve the Act’s distinction between point and nonpoint sources, which is an “organizational paradigm of the [CWA].” *Or. Nat. Desert Ass’n.*, 550 F.3d at 780. EPA also should focus on the Act’s distinction between navigable waters and ground waters. The obvious way to do so is for EPA to focus on *how* pollutants reach *navigable* waters.

B. Numerous Courts Have Held Conflicting Interpretations Regarding the Applicability of the NPDES Permit Program.

It bears emphasizing that the Supreme Court has never squarely addressed this issue. Contrary to what some citizen groups have argued in recent cases, the plurality in *Rapanos v. United States*, 547 U.S. 715 (2006), did *not* hold that the CWA unambiguously requires NPDES permits for indirect discharges that reach jurisdictional waters diffusely. Far from it. The *Rapanos* plurality's discussion of indirect discharges to "waters of the United States" (WOTUS) was on its face *dictum* that did not "decide th[e] issue." *Id.* at 743. Moreover, that opinion simply recounted how some courts have held that pollutants that originate from point sources are subject to the NPDES program even if they pass through intervening tunnels, culverts, storm drains, sewer pipes, and channels—features that are themselves point sources. Thus, the Court cited *United States v. Velsicol Chemical Corp.*, 438 F. Supp. 945, 946–47 (W.D. Tenn. 1976), a case where the alleged point source and the covered navigable waters were separated by an intervening structure—a municipal sewer system. The *Rapanos* plurality also cited *Sierra Club v. El Paso Gold Mines, Inc.*, 421 F.3d 1133, 1137, 1141 (10th Cir. 2005), a case where a long tunnel separated the point source and the navigable waters. In *Velsicol* and *El Paso Gold Mines*, the pollutants that originated from a point source ultimately reached jurisdictional waters through other features that also fit the definition of "point source." Those sorts of discharges are readily distinguishable from discharges from point sources that only reach jurisdictional waters by diffuse movement. Read in context, therefore, the plurality's statement about the Act forbidding the "addition ... to navigable waters" and not "addition ... directly to navigable waters" is best understood as explaining that the point source that originated the pollutants need not discharge directly to navigable waters if the pollutants pass through another point source in the interim. The context of the Court's statement is clear;

In fact, many courts have held that such upstream, intermittently flowing channels themselves constitute "point sources" under the Act. The definition of "point source" includes "any pipe, ditch, channel, tunnel,

conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14). We have held that the Act “makes plain that a point source need not be the original source of the pollutant; it need only convey the pollutant to ‘navigable waters.’” *South Fla. Water Management Dist. v. Miccosukee Tribe*, 541 U.S. 95, 105, 124 S.Ct. 1537, 158 L.Ed.2d 264 (2004).

See 547 U.S. at 743.

More to the point, federal appellate courts are split on whether releases of pollutants from point sources *to groundwater* are subject to NPDES program when there is a direct hydrologic connection between the groundwater and jurisdictional surface waters. Through conflicting decisions, the appeals courts have found the CWA capable of supporting *either* interpretation. While the Fifth and Seventh Circuits have concluded that the NPDES program does not extend to pollutants that reach groundwater in certain circumstances, the Fourth and Ninth Circuits have concluded that, in fact, these discharges fall within the scope of the program.²

EPA should address the widespread confusion that these conflicting judicial opinions have created. In so doing, EPA must look to the statute as a whole to discern whether Congress intended for discharges via groundwater migration to require NPDES permits. *See Star Athletica*,

² Four distinct case examples illustrate this point. On the one hand, *Vill. of Oconomowoc Lake v. Dayton Hudson Corp.*, 24 F.3d 962, 965 (7th Cir. 1994), held that the NPDES program does not encompass pollutants “seep[ing]” into “local ground waters” even though the Court was aware of the possibility that those pollutants might reach “underground aquifers that feed lakes and streams that are part of the ‘waters of the United States’” And *Rice*, 250 F.3d at 271, found that it would be “an unwarranted expansion of the [statute]” to extend point source requirements to pollution that reaches jurisdictional waters by “gradual, natural seepage” through groundwater. On the other hand, *County of Maui*, 886 F.3d at 749, imposed liability for discharges via groundwater based on “fairly traceable” standard. And *Upstate Forever v. Kinder Morgan Energy Partners, L.P.*, No. 17-1640, 2018 WL 1748154, at *9 (4th Cir. Apr. 12, 2018), concluded that “[A]n alleged discharge of pollutants, reaching navigable waters located 1000 feet or less from the point source by means of ground water with a direct hydrological connection to such navigable waters, falls within the scope of the CWA.”

L.L.C. v. Varsity Brands, Inc., 137 S. Ct. 1002, 1010 (2017) (“Interpretation of a phrase of uncertain reach is not confined to a single sentence when the text of the whole statute gives instruction as to its meaning.”) (brackets omitted); *Nat. Res. Def. Council v. Muszynski*, 268 F.3d 91, 98 (2d Cir. 2001) (explaining that “when determining which reasonable meaning should prevail, the text should be placed in the context of the entire statutory structure” and that “absurd results are to be avoided and internal inconsistencies in the statute must be dealt with”).

As the Supreme Court has explained, the CWA “makes plain” that a point source must “convey the pollutant to ‘navigable waters’” to be subject to NPDES permitting. *S. Fla. Water Mgmt. Dist. v. Miccosukee Tribe of Indians*, 541 U.S. 95, 105 (2004). The point source “need not be the original source of the pollutant,” but it does “need [to] convey the pollutant to ‘navigable waters.’” *Id.* (emphasis added). Requiring that a pollutant be conveyed to *and* added to a navigable water by a point source—as opposed to merely having been released from some point source sometime before reaching the navigable water—prevents the NPDES program from expanding its reach to encompass all nonpoint sources.

An alternative approach, one that ignores how pollutants reach jurisdictional waters, would conceivably allow vast swaths of nonpoint source pollution to be reformulated as point source discharges and consequently swept into the NPDES program. It also disregards Congress’s intent to leave groundwater outside the scope of NPDES program. As one court recently observed, “any non-point-source pollution . . . could invariably be reformulated as point-source pollution by going up the causal chain to identify the initial point sources to come to rest in navigable waters. *26 Crown Assocs., LLC v. Greater New Haven Reg’l Water Pollution Control Auth.*, No. 15-cv-1439, 2017 WL 2960506, at *8 (D. Conn. July 11, 2017), *appeal docketed*, No. 17-2426 (2d Cir.

Aug. 4, 2017). The way to preserve Congress’s “clear and precise distinction between point sources ... and nonpoint sources,” S. Rep. No. 95-370, at 8 (1977), is by limiting the NPDES program to pollutants that reach and are added to navigable waters by a discernible, confined, and discrete conveyance. *See Metacon Gun Club*, 575 F.3d at 224.

C. EPA Should Specifically Reject the Direct Hydrologic Connection Theory.

The “direct hydrologic connection” theory that EPA has occasionally endorsed subverts Congress’s distinction between point and nonpoint sources and between navigable and ground waters, so EPA should reconsider and definitively reject it. In fact, the Act does not even mention the term “direct hydrologic connection,” which is more commonly employed by courts “attempting to mitigate” the expansive and unpredictable consequences of holding that releases through groundwater might be subject to NPDES permitting.³ Furthermore, trying to apply the “direct hydrologic connection” theory raises a host of practical questions. What exactly counts as a “hydrologic connection”? How “direct” must the connection be for the pollutants to come within the NPDES program? How would effluent limits be developed or compliance be determined? The Act does not answer these questions. Because the “direct hydrologic connection” requirement has no foundation in the text or history of the CWA, its contours are malleable and subject to all manner of distortion.⁴ It invites precisely the type of expansive reading that would eviscerate the distinction between point and nonpoint sources.

³ *See Ky. Waterways All. v. Ky. Utils. Co.*, No. 5:17-CV-292, 2017 WL 6628917, at *11 n.3 (E.D. Ky. Dec. 28, 2017), describing application of the “direct hydrologic connection” theory by the court in *Tennessee Clean Water Network v. Tennessee Valley Authority*, 273 F. Supp. 3d 775, 827 (M.D. Tenn. 2017).

⁴ *See id.*; *see, e.g., McClellan Ecological Seepage Situation v. Weinberger*, 707 F. Supp. 1182, 1196 (E.D. Cal. 1998), *vacated on other grounds, McClellan Ecological Seepage Situation v. Perry*, 47 F.3d 325 (9th Cir. 1995), finding that discharges to groundwater are subject to CWA regulation if “the groundwater is *naturally connected* to surface waters” (emphasis added); *Ass’n Concerned Over Res. & Nature, Inc. v. Tenn. Aluminum Processors, Inc.*, No. 1:10-cv-84, 2011 WL 1357690, at *17 (M.D. Tenn. Apr. 11, 2011), finding that “[G]roundwater is subject to the

Reconsidering and rejecting the “direct hydrologic connection” theory will not require a wholesale reversal of any longstanding EPA position. To be sure, EPA has raised the direct hydrologic connection theory in various contexts, *see* 83 *Fed. Reg.* at 7,127 (listing examples), including in an *amicus* brief in the recent *County of Maui* litigation, *see* Doc. # 40, Brief for the United States as Amicus Curiae in Support of Plaintiffs-Appellees, *Haw. Wildlife Fund v. County of Maui*, No. 15-17447 (9th Cir., filed May 31, 2016). But none of those examples acknowledges the numerous *contrary* statements EPA has made about the scope of the NPDES program. To illustrate:

- A 1973 memorandum from the Office of General Counsel asserts that “[d]ischarges into ground waters are not included” within the scope of the statutory term “discharge of a pollutant.” *In re E.I. DuPont de Nemours & Co.*, Op. No. 6, 1975 WL 23850, at *3 (E.P.A.G.C. Apr. 8, 1975).
- A 1992 EPA guidance document notes that “EPA and the States regulate facilities [under the CWA] that either discharge wastewaters *directly* to surface waters or discharge to municipal treatment systems.” EPA, Final Comprehensive State Ground Water Protection Program Guidance, at 1-27 (Dec. 1992).
- In a 2005 permit proceeding, EPA noted that discharges “could be re-directed to a non-surface water discharge location, such as ground injection” and that “NPDES requirements would not apply, because there would be no direct discharge to a surface water of the United States.” EPA, RTC Holyoke Gas & Electric Department Cabot Street Station, Permit No. MA0001520, at 20 (Aug. 9, 2005).
- In the 2011 Pesticide General Permit proceeding, EPA responded to comments about potential groundwater impacts by stating that “discharges to groundwater

CWA provided there is an *impact on federal waters.*” (emphasis added); *Ohio Valley Envtl. Coal. Inc. v. Pocahontas Land Corp.*, No. 3:14-1133, 2015 WL 2144905, at *8 (S.D. W. Va. May 7, 2015), stating that “Defendant may be required to seek an NPDES permit even if groundwater is *somehow hydrologically connected* ... to surface waters.” (emphasis added); *Tenn. Clean Water Network*, 273 F. Supp. 3d at 827, noting that releases into groundwater are subject to NPDES requirements “if the hydrologic connection between the source of the pollutants and navigable waters is *direct, immediate, and can generally be traced*” (emphasis added).

are not regulated under the NPDES program.” EPA RTC, NPDES Pesticide General Permit (Oct. 31, 2011).

- In a 2014 Small Municipal Separate Storm Sewer System permit proceeding, EPA stated in a fact sheet that “NPDES permits are applicable for point source discharges to waters of the U.S.” and that “discharges to groundwater are not addressed in the NPDES program and as such as not addressed by this permit.” EPA, Fact Sheet, Draft General Permits for Stormwater Discharges from Small Municipal Separate Sewer Systems in Massachusetts, at 18 (Sept. 30, 2014).
- In a 2017 permit proceeding related to remediation activity in Massachusetts and New Hampshire, EPA said “discharges to groundwater are not regulated by the NPDES program.” EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (Mar. 9, 2017).

The inconsistency between prior EPA statements on this issue warrants clarification. EPA should take the time to reconsider the statute’s text, structure, history, and purpose, taking into account case law and practical considerations, and arrive at a definitive position rejecting the direct hydrological connection theory.

D. The CWA’s Legislative History Further Shows that Congress Did Not Intend to Subject Discharges via Groundwater to the NPDES Program.

The legislative history of the CWA also supports a conclusion that Congress did not want to subject discharges via groundwater migration to NPDES permitting. For one thing, it shows that Congress was aware that pollutants might reach jurisdictional waters as a result of subsurface disposal, yet it still opted to keep states and local governments responsible for controlling such pollution under nonpoint source programs. Prior to passage of the 1972 Act, EPA sought authority from Congress to “control [] all sources of pollution, be they discharged directly into any stream or through the ground water table.” *Water Pollution Control Legislation—1971 (Proposed Amendments to Existing Legislation): Hearings before the H. Comm. On Pub. Works, 92nd Cong. 230 (1971)* (statement of William Ruckelshaus, Administrator, EPA). Similarly, an amendment offered by Congressman Leslie Aspin sought to bring groundwater within the CWA’s permitting and enforcement provisions, on the premise that “if [Congress did] not stop

pollution of ground waters through seepage and other means, ground water gets into navigable waters, and to control only navigable water and not the ground water makes no sense at all.” *See* 118 Cong. Rec. 10,666, 10,669 (1972) (statement of Rep. Aspin).

Congress ultimately rejected the Aspin Amendment and EPA’s request for control over groundwater sources, along with other proposals to extend federal regulatory authority to groundwater, “[b]ecause the jurisdiction regarding groundwaters is so complex and varied from State to State[.]” S. Rep. No. 92-414, at 73 (1971). Again, it is no secret that “Congress was aware that there was a connection between ground and surface waters,” but nevertheless chose “to leave the regulation of groundwater to the States.” *Rice*, 250 F.3d at 271–72.

When Congress wanted to address subsurface pollution in the CWA, it did so expressly. Thus, section 304(f) of the Act specifically mentions dealing with water pollution that ultimately results from disposal in subsurface excavations. *See* 33 U.S.C. § 1314(f). In explaining that section 304 of the Act was intended to address subsurface pollution, the House Committee Report described how EPA should provide technical guidance to states for their *nonpoint* source programs:

This section and the information on such nonpoint sources is among the most important in the 1972 Amendments. ... The Committee, therefore, expects the Administrator to be most diligent in gathering and distribution of the guidelines for the identification of nonpoint sources, and the information on processes, procedures, and methods for control of pollution *from such nonpoint sources as ... the disposal of pollutants in wells or other subsurface excavations*[.]

H.R. Rep. No. 92-911, at 109 (1972) (emphasis added). Similarly, the Senate Report explained that, under CWA section 304(f), EPA must provide information that “may range from provisions for evaluating geological characteristics of disposal sites to the costs and benefits of alternative

methods of disposal.” S. Rep. 92-414, at 53. Congress acknowledged the risk of “groundwater contamination” at “shallower disposal sites,” which is why it directed EPA to outline provisions “to control leaching of materials from such sites, which include land-fill sites as well as abandoned mines.” *Id.* But nowhere did Congress declare that those sites ought to be subject to NPDES permit requirements.

The legislative history for section 208(b)(2) of the Act provides comparable support that NPDES requirements were never intended to address activities like disposal of pollutants on land or in subsurface excavations. A senate report discussing that CWA section 208 notes that, “Section 208, the 1972 act’s laboratory for new institutional control mechanisms for vexing nonpoint source problems ... may not be adequate.” S. Rep. No. 95-370, at 10. Congress also understood that states might resist developing protective control measures, speculating that it “may be that sometime in the future a Federal presence can be justified and afforded.” *Id.* Congress nevertheless concluded that “it is both necessary and appropriate to make a distinction as to the kinds of activities that are to be regulated by the Federal Government and the kinds of activities which are to be subject to some measure of local control” under section 208. *Id.* The “direct hydrologic connection” theory, or any similar theory for imposing NPDES requirements on discharges via groundwater migration, erases that distinction.

If Congress had wanted the NPDES program to apply more broadly, such that it would cover releases via groundwater migration, it could simply have said so. And yet, Congress never did.

As the D.C. Circuit recognized decades ago:

[I]t does not appear that Congress wanted to apply the NPDES system wherever feasible. Had it wanted to do so, it could easily have chosen suitable language, *e.g.*,

“all pollution released through a point source.” Instead, as we have seen, the NPDES system was limited to “addition” of “pollutants” “from” a point source.

Nat'l Wildlife Fed'n v. Gorsuch, 693 F.2d 156, 176 (D.C. Cir. 1982).

That Congress did not use language that would have extended the NPDES program to groundwater discharges is further proof that Congress did not intend for such discharges to come within the program's ambit. *See Murphy v. Smith*, 138 S. Ct. 784, 789 (2018) (inferring statute's meaning based on alternative language that Congress could have used but ultimately did not).

E. Well-Known Principles of Statutory Interpretation Resolve any Doubt that the CWA's NPDES Requirements Do Not Apply to Discharges via Groundwater.

Any doubt about whether the CWA's text, structure, and purpose support the conclusion that Congress did not intend to regulate discharges via groundwater migration under the NPDES program should be resolved against applying NPDES requirements. Such a conclusion would be in keeping with numerous canons of statutory interpretation.

1. Clear Statement Rules Argue Against NPDES Requirements Applying to Discharges to Groundwater.

Chief among these canons are a pair of clear statement rules. These rules typically require a clear statement on a statute's face to rebut a well-established policy presumption. One well-known clear statement rule provides that, “unless Congress conveys its purpose clearly, it will not be deemed to have significantly changed the federal-state balance.” *United States v. Bass*, 404 U.S. 336, 349 (1971); *see Gregory v. Ashcroft*, 501 U.S. 452, 560–61 (1991) (“If congress intends to alter the usual constitutional balance between the States and the Federal Government, it must make its intention to do so unmistakably clear in the language of the statute.”). The Supreme Court has applied this clear statement rule in construing the meaning of the CWA. *See Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Eng'rs*, 531 U.S. 159, 173–74 (2001).

EPA has a specific duty to preserve the federal-state balance in administering the CWA because Congress expressly declared its “policy ... to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, [and] to plan the development and use ... of land and water resources.” 33 U.S.C. § 1251(b). Far from offering a “clear statement” sufficient to strip states of their traditional authority over nonpoint source control and groundwater resources, the CWA recognizes that the federal and state governments have distinct roles to play, with states playing the lead role as to nonpoint source pollution and regulation of groundwater. *See PUD No. 1 v. Wash. Dep’t of Ecology*, 511 U.S. 700, 704 (1994). In particular, nonpoint source control most often implicates land use controls, which is why Congress elected to leave such responsibility to state and local governments, “the level[s] of government closest to the sources of the problem.” S. Rep. No. 95-370, at 9. Congress thus drew a “clean and precise distinction between point sources, which [are] subject to direct Federal regulation, and nonpoint sources, control of which was specifically reserved to State and local governments[.]”, *Id.* at 8. Nothing about that statement suggests that the federal government should be responsible for regulating discharges via groundwater under the CWA.

The second clear statement rule implicated here provides that, where a statutory interpretation would lead to an unprecedented and extraordinary expansion of federal regulatory authority, the statute’s text must clearly indicate that Congress intended such a result. *See Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427, 2444 (2014) (*UARG*). Unsurprisingly, the Supreme Court has “been reluctant to read into ambiguous statutory text” the “power to require permits for ... thousands ... [or] millions of small sources nationwide.” *Id.* The Court has also said the fact that an interpretation of ambiguous statutory text places “plainly excessive demands on limited governmental resources is alone a good reason for rejecting it.” *Id.* Congress “must speak

clearly if it wishes to assign to an Agency decision of vast ‘economic and political significance.’” *Id.* (quoting *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 160 (2000)).

By both (or either) of those measures, EPA ought to authoritatively reject the “direct hydrological connection” theory. Regulation of discharges via groundwater migration would exponentially expand the scope of the NPDES program without a clear statement from Congress that this is what it intended. For instance, over 22.2 million homes have septic systems.⁵ To date, almost none of those septic systems has required an NPDES permit because, with very narrow exceptions,⁶ they are considered nonpoint sources. *See, e.g., United States v. Smithfield Foods, Inc.*, 972 F. Supp. 338, 345 (E.D. Va. 1997) (referring to septic systems as nonpoint sources). But because many of those systems collect wastewater and disperse it into soil and groundwater, which might at some point reach navigable waters, the “direct hydrological connection” theory could subject millions of septic systems to NPDES requirements for the first time ever. Such an expansion of the NPDES permitting system would be unworkable for both homeowners and regulators, requiring a significant outlay of resources to permit the millions of septic systems for limited environmental protection that is not already provided by other state and federal programs.

⁵ *See* U.S. Dep’t of Housing & Urban Devel. & U.S. Census Bureau, American Housing Survey for the United States: 2011, Current Housing Reports, H150/11, at 14 Tbl. C-04-AO (Sept. 2013), *available at* <https://www.census.gov/content/dam/Census/programs-surveys/ahs/data/2011/h150-11.pdf>.

⁶ To be sure, if pollutants from septic tanks reach navigable waters via a discernible, confined, and discrete conveyance, they would be point source discharges. *See, United States v. Lucas*, 516 F.3d 316, 332 n.43 (5th Cir. 2008) (installation of “septic systems directly in wetlands that are waters of the United States, thus ma[de] a system that is typically a diffuse, non-point source into a point source”); *see also id.* at 333–34 (collecting cases holding that pollutants conveyed from septic systems to navigable waters via pipes were point source discharges).

Similarly, numerous industries, not just power generation, rely on impoundments—including stormwater ponds, farm ponds, surface impoundments, cooling ponds, and water supply reservoirs—that could release pollutants to groundwater. Many of these structures and facilities do not currently require NPDES permits. For those that do, the permits focus primarily on regulating pollutants that reach jurisdictional surface waters through a discernible, confined, discrete conveyance, rather than through passive and diffuse groundwater migration. Under the “direct hydrological connection” theory, however, owners and operators of those impoundments often would have to seek new or modified permits and identify additional discharge points.

The “direct hydrological connection” theory could also pull into the NPDES program a host of public and private water and pollution control and treatment infrastructure projects specifically designed to protect and preserve water resources. Groundwater recharge systems use spreading basins, percolation ponds, infiltration basins, and injection wells, among other technologies and structures, to convey stormwater or recycled wastewater into subsurface aquifers. These systems provide a host of ecological benefits: they augment public water supplies, create seawater intrusion barriers, and eliminate surface outfalls.⁷ Green infrastructure also advances some of the same aims as the CWA by absorbing and infiltrating stormwater into the ground to minimize discharges of industrial and municipal stormwater; EPA even promotes green infrastructure and other infiltration practices to control for certain types of pollution.⁸ The “direct hydrological

⁷ See U.S. EPA, *2012 Guidelines for Water Reuse*, at 4-25 (Sept. 2012), https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=253411.

⁸ See U.S. EPA, *Benefits of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/benefits-green-infrastructure>, and U.S. EPA, *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* 5-9, 5-10 (2005), <https://www.epa.gov/nps/urban-runoff-national-management-measures>.

connection” theory could subject many of these systems to NPDES permitting whenever the water (and any pollutants in it) that they collect or disperse ultimately migrates with the groundwater to navigable waters—which, thanks to the hydrologic cycle, much groundwater does. That would discourage these features’ use, which would result in harm to the environment of precisely the kind Congress intended to prevent when it promulgated the CWA.

For all of these reasons, the “direct hydrological connection” theory would cause the NPDES program to balloon exponentially. And yet, nothing in section 402 (or any other part of the Act) reflects the slightest intent to extend the NPDES program beyond traditional industrial and municipal end-of-pipe discharges, to reach things like well disposal and subsurface excavations that are already covered as nonpoint sources under CWA section 304(f). Absent a clear statement from Congress, the CWA should not be interpreted to embrace an approach—like the “direct hydrological connection” theory—that would impose such sweeping, new demands on thousands or even millions of people and business across the country.

2. Other Canons of Interpretation Also Lead to the Conclusion That NPDES Requirements Should Not Apply to Discharges to Groundwater.

Other interpretive canons compel the same conclusion as do the clear statement rules detailed above, but for reasons having to do with the uncertainty inherent in extending NPDES permitting to groundwater releases. For instance, because the “direct hydrological connection” theory does not come with any inherent or text-based geographic or temporal limitations, it could require an NPDES permit for any release of pollutants into the ground so long as the pollutants *might* somehow, someday, somewhere, make their way into navigable waters. Groundwater systems are complex, and it will often be difficult or impossible to ascertain whether pollutants released from point sources are likely to reach navigable waters through groundwater. Pollutants in

groundwater will sometimes migrate to navigable waters via someone else's land—or many others' lands—in which case the person responsible for releasing the pollutants might be unable to track or control their movements. The owner or operator of a point source might be unable to conduct the sampling or monitoring at the point where pollutants reach jurisdictional waters because those locations may be miles away or beyond the owner or operator's control—further, the point where pollutants reach jurisdictional waters might not be stable, and can migrate with rainfall and other land use patterns. And when those pollutants finally arrive at navigable waters after migrating through groundwater, they will likely contain pollutants from other sources, so that it will be exceedingly difficult to tell which pollutants came from which source. Such a scenario is untenable for regulated industries, regulators, and land owners.

In many cases, the only way to tell whether a particular source is releasing pollutants into groundwater, or whether certain pollutants in navigable waters ultimately come from that source, will be to conduct incredibly detailed and intricate hydrologic studies. Those studies are time-consuming, often requiring months or years to complete, depending on the complexity of the terrain, flow and migration patterns (if any). And they are expensive, usually costing several thousand dollars, even in relatively simple cases. Even for people who can afford them, such studies do not always yield conclusive and reliable results, not least of all because it is not always possible to determine where groundwater releases into a navigable water. *See infra* Part IV.

The upshot is that subjecting groundwater releases to NPDES permitting requirements will often leave people and businesses in the dark about whether and how those requirements apply to them. When a proffered interpretation of a statute would leave ordinary people unable to discern

whether their intended course of conduct exposes them to liability under that statute, the interpretation offends due process. *See Papachristou v. Jacksonville*, 405 U.S. 156, 162 (1972) (“Living under a rule of law entails various suppositions, one of which is that [all persons] are entitled to be informed as to what the State commands or forbids.”). Such an interpretation ought to be avoided when an alternative, reasonable one exists that does not raise similar constitutional difficulties. *See Clark v. Martinez*, 543 U.S. 371, 380–81 (2005) (explaining canon of constitutional avoidance). The unworkable interpretation should be especially avoided when, as here, it would only further muddy the waters about the reach of a statute with a “notoriously unclear” geographic scope. *Sackett v. EPA*, 566 U.S. 120, 132–33 (2012) (Alito, J., concurring); *see also U.S. Army Corps of Engr’s v. Hawkes Co.*, 136 S. Ct. 1807, 1816 (2016) (Kennedy, J., concurring).⁹ It is manifestly unreasonable to inject into the CWA this additional “level of uncertainty ... [that] would expose potentially [millions] of ... [sources] to ... litigation and legal liability if they [or regulators] happen[] to make the ‘wrong’ choice.” *Umatilla Waterquality Protective Ass’n, Inc. v. Smith Frozen Foods*, 962 F. Supp. 1312, 1320 (D. Or. 1997). Yet that is exactly what would happen under practically any theory applying the NPDES program to releases to or from groundwater.

The notice and fair-warning problems inherent in the “direct hydrological connection” theory are particularly a concern because violators of the CWA face stiff criminal liability. “Knowing” violations of the Act are punishable by up to \$100,000 per violation per day and six years’ imprisonment, while “negligent” violations can lead to fines of up to \$50,000 per violation per

⁹ Lamenting Congress’s and EPA’s failure to resolve the “critical ambiguity” in the “precise reach of the Act,” and highlighting concerns about “the reach and systemic consequences of the Clean Water Act,” respectively.

day and two years' imprisonment. 33 U.S.C. § 1319(c).¹⁰ Because the CWA has criminal applications, it must be construed in accordance with the rule of lenity. *See Kasten v. Saint-Gobain Performance Plastics Corp.*, 563 U.S. 1, 16 (2011). Under lenity, statutory ambiguities should be resolved in regulated entities' favor. *See id.*; *see also United States v. Plaza Health Labs., Inc.*, 3 F.3d 643, 649 (2d Cir. 1993) (construing "point source" in accordance with rule of lenity). That is, unless the CWA's "text, structure, and history" demonstrate that applying the NPDES program to discharges via groundwater migration is "unambiguously correct," lenity demands that the government treat the discharges as not being subject to the program. *See United States v. Granderson*, 511 U.S. 39, 54 (1994). The "direct hydrologic connection" theory is far from "unambiguously correct."

As explained above, these well-established principles of statutory construction weigh in favor of the same conclusion that the CWA's text, structure, and history support: that the NPDES program does not encompass discharges via hydrologically connected groundwater.

III. Releases to Groundwater and any Subsequent Surface Water Impacts are Appropriately Addressed by Other Federal Authorities and State Laws, Which Lends Further Support to the Reasonableness of an Interpretation Excluding Discharges via Groundwater from the NPDES Program.

There is no shortage of federal and state laws aimed at addressing impacts from groundwater pollution. The existence of these numerous other federal regulatory programs and state authorities "further supports the reasonableness" of an EPA interpretation that CWA regulations do not regulate discharges via groundwater that eventually reach jurisdictional surface waters.

¹⁰ The CWA also provides for civil penalties in enforcement actions by EPA or private citizens, which can be up to \$52,414 per violation. 33 U.S.C. §§ 1319(d), 1365(a); *see also* 82 Fed. Reg. 3,633, 3,636 (Jan. 12, 2017) (inflation adjustment ratio).

See Catskill Mountains Chapter of Trout Unlimited v. EPA, 846 F.3d at 529–30 (2d Cir. 2017) (*Catskill III*) (“Yet another consideration supporting the reasonableness of the Water Transfers Rule is that several alternatives could regulate pollution in water transfers even in the absence of an NPDES permitting scheme[.]”).

Disposals of pollutants in wells and subsurface excavations are addressed under state CWA nonpoint source programs. *See*, Part II.A, *supra*. CWA section 319 grant programs, for example, have successfully addressed pollution from impoundments associated with legacy mining operations, wastewater treatment units, and a host of other features affecting groundwater quality.¹¹ Indeed, section 319 expressly requires States to identify best management practices for controlling pollution from nonpoint sources, “taking into account the impact of the practice on groundwater quality.” 33 U.S.C. § 1329(b)(2)(A).

A. The Resource Conservation and Recovery Act and the Coal Combustion Residuals Rule Address Groundwater.

The Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*, directly regulates groundwater, including ash management features commonly used in the electric utility industry. “RCRA is a comprehensive environmental statute that governs the treatment, storage, and disposal of solid and hazardous waste.” *Meghrig v. KFC W., Inc.*, 516 U.S. 479, 483 (1996). Of particular relevance here, RCRA’s Coal Combustion Residuals (CCR) Rule, 80 *Fed. Reg.* 21,302 (Apr. 17, 2015), provides a comprehensive groundwater monitoring and corrective action

¹¹ *See, e.g.*, EPA, *Installing Best Management Practices Abates Acid Mine Drainage in Crab Orchard Creek*, EPA 841-F-14-001DD (May 2014), https://www.epa.gov/sites/production/files/2016-12/documents/tn_crab_orchard2016_508.pdf; *see generally* EPA, *Nonpoint Source Success Stories*, <https://www.epa.gov/nps/nonpoint-source-success-stories> (last visited Apr. 26, 2018) (listing dozens of remediation projects, many involving subsurface releases, that have used section 319 funds).

scheme aimed at CCR impoundments and landfills. EPA designed the rule to ensure “no reasonable probability of adverse effects on health or the environment” from disposal of coal ash. *Id.* at 21,311. The rule achieves that goal by imposing robust requirements for groundwater monitoring and remediation. For instance, the rule requires monitoring for specific constituents found in coal ash. *See* 40 C.F.R. pt. 257, Appendices III & IV. If a facility detects contamination above background levels, it must conduct additional monitoring to determine whether contaminants exceed the rule’s rigid groundwater protection standards. *See id.* § 257.95(a). If those standards—most of which are equal to Safe Drinking Water Act “maximum contaminant levels” for finished drinking water¹²—are exceeded, the facility must undertake corrective action to remediate the groundwater until contaminant levels are at or below the level of the standard. *See id.* §§ 257.96(a), 257.98(c). In determining what corrective action is warranted, a facility must assess potential measures that can achieve the required remediation of groundwater impacts and abate not only future groundwater contamination, but also related surface water impacts. The facility must select a remedy that protects human health and the environment; attains the groundwater protection standard; controls the source of the releases of coal ash constituents; removes from the environment as much contaminated material released from the CCR unit as feasible; and satisfies all regulatory standards for management of wastes. *See id.* § 257.97(b).

The CCR Rule’s comprehensive regulatory framework is the product of decades of EPA study on coal ash disposal. EPA designed the rule to identify and “ensure that groundwater contamination at new and existing CCR units will be detected and cleaned up as necessary to protect human health and the environment.” *See* 80 *Fed. Reg.* at 21,396. But the effective

¹² “Maximum contaminant level” means “the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.” 40 C.F.R. § 141.2.

operation of the CCR rule’s regulatory framework would be thwarted by treating releases to groundwater as point source discharges. That is because RCRA regulations like the CCR Rule apply only to “solid wastes,” which RCRA defines to *exclude* industrial point source discharges subject to the CWA’s NPDES permitting program. *See* 42 U.S.C. § 6903(27). Thus, an interpretation of the CWA that treats releases of CCR to groundwater as point source discharges would have the perverse effect of actually *preventing* application of the more tailored CCR Rule.¹³

B. The Comprehensive Environmental Response, Compensation, and Liability Act and the Safe Drinking Water Act Also Apply.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et seq.*, also addresses directly those pollutants released to groundwater.

CERCLA authorizes EPA to remove pollutants if any “hazardous substance is released or there is a substantial threat of such a release into the environment. *Id.* § 9604(a)(1). CERCLA defines “environment” broadly, to include both “ground water” and “subsurface strata.” *Id.* § 9601(8).

Federal law also addresses groundwater contamination through the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* In particular, over 650,000 stormwater drainage wells, septic

¹³ Several courts have applied RCRA’s industrial discharge exclusion to “point source” discharges regulated by the CWA’s NPDES program. *E.g.*, *Williams Pipe Line Co. v. Bayer Corp.*, 964 F. Supp. 1300, 1328-29 (S.D. Iowa 1997) (dismissing RCRA claim because the discharges at issue were subject to NPDES permitting requirements); *Coldani v. Hamm*, Civ. No. S-07-660, 2007 WL 2345016, at *10 (E.D. Cal. Aug. 16, 2007) (same); *State v. PVS Chemicals, Inc.*, 50 F. Supp. 2d 171, 177–78 (W.D.N.Y. 1998) (applying industrial discharge exclusion and dismissing RCRA claim to avoid subjecting the same discharges to duplicative regulation under the CWA and RCRA). To be clear, EEI believes that the *Williams* and *Coldani* courts wrongly decided the issue of whether discharges via hydrologically-connected groundwater require an NPDES permit. In any event, those cases illustrate that regulation of releases to groundwater as point source discharges under the CWA would displace regulation under RCRA.

system leach fields, agricultural drainage wells, and aquifer storage and recovery projects are covered by the SDWA's requirements for Class V wells.¹⁴ Those requirements include submitting inventory information to permitting authorities, operating the wells in ways that do not endanger underground sources of drinking water, and properly closing the wells when they are no longer being used. *See* 40 C.F.R. pt. 144, subp. G. Subjecting Class V wells to NPDES permitting could mean imposing duplicative or inconsistent regulatory requirements.

C. State Programs Also Directly Address Discharges to Groundwater.

State laws also address groundwater pollution. States across the country regulate discharges into “waters of the state,” which are often defined broadly to include groundwater. For instance, Florida has a comprehensive groundwater program in place that addresses discharges of pollutants to groundwater and through groundwater, as set forth in Chapters 62-520 and 62-550, F.A.C., which include specific numeric concentrations applicable to a multitude of metals, inorganic compounds, and other constituents, as well as narrative groundwater standards that prohibit concentrations that are toxic, carcinogenic or cause nuisance conditions. Recognizing that discharges to groundwater may ultimately interact with down gradient surface waters, Florida's groundwater program mandates that “discharge to groundwater shall not impair the designated use of contiguous surface waters.” *See* F.A.C. subsection 62-520.310(12). Similarly, in Louisiana, the Louisiana Department of Environmental Quality solid waste regulatory program has been in place dating back at least into the late 1980s and mandates a permit for each solid waste impoundment and landfill. Permits require groundwater monitoring

¹⁴ *See* EPA, Class V Wells for Injection of Non-Hazardous Fluids into or Above Underground Sources of Drinking Water (last visited Apr. 26, 2018), *available at* <https://www.epa.gov/uic/class-v-wells-injection-non-hazardous-fluids-or-above-underground-sources-drinking-water>.

at each regulated unit. Monitoring systems consist of a sufficient number of wells installed at appropriate locations and depths to yield samples from the uppermost aquifer and from the uppermost water bearing zone. The program is structured to begin with detection monitoring followed by, as needed, risk-based assessment monitoring, assessment of corrective measures, selection of remedy and initiation of corrective action plan. Agency engineering, surveillance and enforcement staffs insure that the program is effective for protection of health and the environment.

The state of South Carolina has defined “Waters” to include bodies of “... surface or underground water ...” S.C. Code Ann. § 48-1-10(2). In 1985, South Carolina Regulation 61-68, Water Classifications and Standards, was amended to include groundwater as waters of the State consistent with the policy of South Carolina Department of Health and Environmental Control (Department). The amended regulation provides “... all ground waters of the State shall be protected to a quality consistent with the use associated with the classes described herein. Further, the Department may require the owner or operator of a contaminated site to restore the ground water quality to a level that maintains and supports the existing and classified uses ...” *See* S.C. Code Ann. Regs. 61-68(H). The regulation further establishes standards for groundwater based on the designated use as well as establishes a classification for exceptionally valuable ground water, such as in those areas in which groundwater is the only source of drinking water or groundwater provides the base flow for a particularly sensitive ecological system. The groundwater discharge permit is the State Land Application permit—which are also known as “ND” permits since there is no direct discharge (ND) to surface waters.

See, also, Michigan (M.C.L. §§ 324.3109(1), 324.3101(aa)); North Carolina (15A NCAC 2T .0102; 15A NCAC 18A .1934); Ohio (R.C. §§ 6111.04(A)(1), 6111.01). Many states also have filed amicus briefs in pending litigation illustrating how their state regulatory programs already address releases to groundwater and any resulting environmental impacts. Those briefs are attached here as Appendix A.

Should EPA assert that the NPDES program does not encompass discharges to surface waters via hydrologically connected groundwater, it will not be leaving a regulatory gap, despite what some stakeholders may claim. In fact, insofar as this industry is concerned, EPA would be ensuring that the more tailored regulatory program—put in place by the CCR Rule and other federal and state laws—would apply in full and that RCRA’s industrial discharge exclusion (in the definition of “solid waste”) would not be triggered.

IV. Strong Practical Considerations Support Clarifying that the NPDES Program Does Not Encompass Discharges via Hydrologically Connected Groundwater.

Aside from the foregoing legal considerations, EPA also should be cognizant of the strong practical considerations that militate against concluding that NPDES permitting requirements apply to discharges via hydrologically connected groundwater. These comments discussed many of the significant negative ramifications that could result from subjecting such discharges to NPDES requirements. *See*, Part II.E, *supra*.

When amending the CWA in the past, Congress has previously recognized the burdens EPA would face if it had to permit every possible point source discharge. *See*, 123 Cong. Rec. 38,924, 38, 956 (Dec. 15, 1977) (when exempting return flows from irrigated agriculture from NPDES,

Congress recognized “[t]he problems of permitting every discrete source or conduit returning water to the streams from irrigated lands is simply too burdensome to place on the resources of EPA”); 131 Cong. Rec. 15,616, 15,657 (June 13, 1985) (declaring it “absurd” to “require everyone who has a device to divert, gather, or collect stormwater runoff and snowmelt to get a permit from EPA as a point source” and warning about an “administrative nightmare” that would be “prohibitively expensive to administer”). Applying NPDES permitting requirements to discharges via groundwater migration would raise just the sorts of concerns Congress foresaw when it intervened in the 1977 and 1987 CWA amendments.

For one thing, there is no meaningful limit to the number of new “point sources” that could require permits under the direct hydrologic connection approach—or under any similar approach, like the Ninth Circuit’s “fairly traceable” standard. *See County of Maui*, 886 F.3d at 749. Because such standards lack any clear textual or logical limiting principle, they could conceivably apply to almost any subsurface release of pollutants. *See*, Part. II.C, *supra*.

Further, NPDES requirements often cannot be applied intelligibly to the new “point sources” that would be permitted under a direct hydrologic connection theory. That is, in part, because NPDES permitting regulations are, by their nature, “end of pipe.” *See Froebel v. Meyer*, 217 F.3d 928, 937 (7th Cir. 2000). Unlike pollutants from a pipe, groundwater seldom discharges into a navigable water at a discrete and identifiable point. It is therefore not always possible to determine exactly where pollutants in groundwater reach navigable waters. And, when there is no readily identifiable, defined outfall or discharge point, there is nowhere to conduct the monitoring and sampling the Act requires. *See* 40 C.F.R. 122, subpt. C. Even assuming permit writers could somehow identify certain outfalls or discharge points, sampling and monitoring

locations may be both miles away *and* beyond the owner or operator's control. And at those outfalls or discharge points, groundwater will likely contain pollutants from many other sources.

Things get trickier still when, as is often the case, pollutants are injected into groundwater as part of the treatment process. In those cases, sampling at the injection site may not make sense because filtration through the soil is itself part of the intended treatment process, and compliance with the Act is to be determined only "after all treatment processes" have occurred."¹⁵

In sum, the result of the "direct hydrologic connection" theory is that many people and businesses will have no real way of knowing whether their conduct requires an NPDES permit, and if so, what the requirements of that permitting scheme might be.

V. EPA Should Clarify its Interpretation of the CWA through Rulemaking.

EPA should conduct notice-and-comment rulemaking to clarify the scope of the NPDES program. EPA should look to the Water Transfers Rule as a guidebook for how it should move forward. That rule, 73 *Fed. Reg.* 33,697 (June 13, 2008) (codified at 40 C.F.R. § 122.3(i)), grew out of extensive litigation over whether an NPDES permit is required to move existing pollutants from one navigable water to another. According to the "unitary waters theory," no NPDES permit was necessary because "it is not an 'addition ... to navigable waters' to move existing pollutants from one navigable water to another." *Friends of the Everglades v. S. Fla. Water Mgmt. Dist.*, 570 F.3d 1210, 1217 (11th Cir. 2009).

¹⁵ See U.S. EPA, *NPDES Permit Writer's Manual* § 8.1.2.3 (Sept. 2010), available at <https://www.epa.gov/npdes/npdes-permit-writers-manual>.

Before EPA promulgated the Water Transfers Rule, several federal courts of appeals had rejected the unitary waters theory, instead holding that transferring pollutants from one navigable water body to another required an NPDES permit. *See, e.g., Catskill Mountains Ch. of Trout Unlimited, Inc. v. City of New York*, 273 F.3d 481, 491 (2d Cir. 2001) (*Catskill I*); *Catskill Mountains Ch. of Trout Unlimited, Inc. v. City of New York*, 451 F.3d 77, 83 (2d Cir. 2006) (*Catskill II*); *Dague v. City of Burlington*, 935 F.2d 1343, 1354–55 (2d Cir. 1991); *Dubois v. U.S. Dep’t of Agric.*, 102 F.3d 1273, 1296 (1st Cir. 1996); *Plains Res. Council v. Fidelity Exploration and Dev.*, 325 F.3d 1155, 1163 (9th Cir. 2003). As EPA noted, however, none of those courts ... viewed the question of statutory interpretation through the lens of *Chevron* deference. 73 *Fed. Reg.* at 33,700 n.4.

The Second Circuit’s decisions in *Catskill I* and *Catskill II*, for example, rested on the plain meaning of “addition,” as used in the CWA’s definition of “discharge of a pollutant” in 33 U.S.C. § 1362(12). That Court held that “the transfer of water containing pollutants from one body of water to another, distinct body of water is plainly an addition and thus a ‘discharge’ that demands an NPDES permit.” *Catskill I*, 273 F.3d at 491. In rejecting the unitary waters theory, the Second Circuit emphasized that “[s]uch a theory would mean that movement of water from one discrete water body to another would not be an addition even if it involved a transfer of water from a water body contaminated with myriad pollutants to a pristine water body containing few or no pollutants[,] which would be “inconsistent with the ordinary meaning of the word ‘addition.’” *Id.* at 493. The Court went on to emphasize that, even if the text were ambiguous, legislative history would not compel a contrary interpretation, since “[t]he legislative history [was] silent on the meaning of ‘addition.’” *Id.* In *Catskill II*, the Second Circuit again rejected the unitary waters theory, reiterating that it “simply overlook[s] [the] plain language” of the CWA. *Catskill II*, 451 F.3d at 84.

Circumstances changed once EPA promulgated the Water Transfers Rule, which provides that “an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use” is “not subject to regulation under the [NPDES] permitting program.” 73 *Fed. Reg.* at 33, 697. EPA supported that Rule with an extensive analysis that took account of all relevant statutory provisions, as well as the statute’s structure and legislative history, construing each part or section ““in connection with every other part or section to produce a harmonious whole.”” *Id.* at 33701. After the Water Transfers Rule took effect, challenges to that rule ended up back in the Second Circuit. In 2017, that Court held that whether a water transfer is an “addition” within the meaning of the CWA is ambiguous, and it ultimately upheld the Rule after deferring to EPA’s interpretation at *Chevron* “Step Two.” *See Catskill III*, 846 F.3d at 508. In upholding the Rule, the Court went out of its way to downplay the significance of its “plain language” holdings in *Catskill I* and *Catskill II*, asserting that it had, in fact, never held that the CWA’s text was so “unambiguous” as to preclude *Chevron* deference in the event EPA adopted a rule based on the unitary waters theory. *See id.*

All of this is to say that, even where prior judicial opinions may appear to foreclose a possible interpretation of the CWA, EPA may still promulgate and successfully defend a regulation which exercises its expertise in a manner compelling a different outcome. And it is what makes it so important that EPA act by rulemaking in this case. A regulation—as opposed to a less formal action— will bring welcomed force and clarity to EPA’s ultimate position, thus benefitting regulators, the regulated community and the public alike. EPA ought to engage in notice-and-

comment rulemaking to promulgate such a regulation rejecting the “direct hydrologic connection” theory.

VI. Conclusion.

As things stand now, EEI’s members face significant regulatory uncertainty when it comes to discharges via hydrologically connected groundwater. EPA can eliminate this uncertainty by undertaking a rulemaking to clarify that the CWA’s NPDES program does not extend to discharges via hydrologically connected groundwater. Such a rule would be entirely consistent with the text, structure, history, and purpose of the CWA, and would preserve the function and purpose of other state and federal programs designed to address groundwater. It also would make eminently good sense and would avoid the many serious pitfalls that would present themselves under the “direct hydrologic connection” theory identified in EPA’s request for comment. For all of those reasons, EEI respectfully requests that EPA swiftly conduct a rulemaking to establish that the NPDES program does not apply to discharges that occur via groundwater or subsurface flow.

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/10/2018 7:54:59 PM
To: Shea, Quin [QShea@eei.org]
Subject: Re: Groundwater Issues

Sorry, Quin. Trying to pin down one more meeting on the Administrator's calendar then I'll be good to reach out to you with times.

Sent from my iPhone

On Aug 10, 2018, at 3:51 PM, Shea, Quin <QShea@eei.org> wrote:

Hi Will. Any update on when we may be able to close on a potential meeting time with Brittany? Thanks, and have a good weekend. Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Tuesday, August 07, 2018 5:24 PM
To: Shea, Quin <QShea@eei.org>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Thank you, Quinn. We will get back to you as soon as possible.

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Tuesday, August 7, 2018 12:20 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

Will: Here is EEI's meeting request form. Let me know if this will suffice, and thanks in advance for your help shepherding this through the process. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004
Ex. 6
qshea@eei.org

Message

From: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Sent: 5/30/2018 4:12:22 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: We are here

And in the North lobby.

Sent from my iPhone

> On May 30, 2018, at 12:10 PM, Zumwalt, Bryan <Bryan_Zumwalt@americanchemistry.com> wrote:

>
> Made it.

>
> Sent from my iPhone

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Message

From: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Sent: 5/21/2018 10:08:30 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Meeting request- Brittany and Nancy next Thursday, the 31st
Flag: Follow up

Hello Will,

I hope all is well over at EPA and life is good for you generally. Was hoping to get a couple of people in to meet with Brittany and Nancy next week. Realize we may even have to push it back one more week, but if there's a chance at all we can meet on the afternoon of Thursday the 31st that would be great?

Let me know and thank you, Bryan

Sent from my iPhone

+++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 - 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

Message

From: Shea, Quin [QShea@eei.org]
Sent: 8/6/2018 9:04:27 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Groundwater Issues

Will do, thanks.

Sent from my iPhone

On Aug 6, 2018, at 5:01 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org

<Mimecast Attachment Protection Instructions>

<BB Meeting Request Form.doc>

Message

From: Diane Troutman [dltroutman@819eagle.com]
Sent: 5/21/2018 3:55:50 PM
To: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Fwd: Meeting Request
Flag: Follow up

Hello Hayley,

I am checking on the status of our meeting request with the Administrator, Shintech and Michael O'Bannon. Our original request can also include either Wednesday or Thursday of this week, if possible.

Please advise.

Thank you,
Diane

*Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone:
Fax: 202-331-8216*

----- Forwarded message -----

From: **Diane Troutman** <dltroutman@819eagle.com>
Date: Wed, May 16, 2018 at 2:53 PM
Subject: Fwd: Meeting Request
To: "Ford, Hayley" <ford.hayley@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>

Hello Hayley.

Just checking on the status of our meeting request.

Thank you,
Diane

*Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone:
Fax: 202-331-8216*

----- Forwarded message -----

From: **Diane Troutman** <dltroutman@819eagle.com>

Date: Fri, May 11, 2018 at 1:47 PM

Subject: Re: Meeting Request

To: "Ford, Hayley" <ford.hayley@epa.gov>

Hi Hayley,

Shintech has a specific interest in having the rule promulgated regardless as to whether the changes the Vinyl Institute recommended has been considered.

Shintech is in the midst of final decision-making on the construction of a brand new plant in Louisiana and perhaps another in Texas. The PVC market is growing. As you know, Shintech is a subsidiary of a very large Japanese Corporation, Shin-Etsu. My boss and the CEO of Shintech Domestic Operations would like to see the Administrator to give him credit for this new construction project and the associated new jobs that will be created in Louisiana and later in Texas. The meeting follows up on discussions held with the Administrator, before he was the Administrator, a couple years ago.

He will find that this is not a waste of his time. He will also find that there is no ask beyond publishing the rule as soon as possible as it is.

The meeting that was held with the professional focused on 3 specific issues that Shintech will support but did not want to hold the rule any further for EPA consideration.

This is a Shintech-centric meet and greet positive meeting for the Administrator with the CEO of Shintech Domestic Operations.

Thank you,
Diane

Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone: Ex. 6
Fax: 202-331-8216

On Fri, May 11, 2018 at 1:06 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Diane,

I understand this group met with EPA professionals last month. Is there a reason that they'd like to come back so soon?

Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: Ex. 6

From: Diane Troutman [mailto:dltoutman@819eagle.com]

Sent: Wednesday, May 9, 2018 3:00 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Meeting Request

Hello Hayley,

Attached is a meeting request to meet with the Administrator and either someone from the Policy or Air office.

Thank you in advance.

Regards,

Diane

Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone: Ex. 6

Fax: 202-331-8216

Message

From: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Sent: 5/28/2018 9:43:25 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st
Flag: Follow up

Will,

My apologies for just now getting back to you. We won't have any handouts, but here is the list of folk joining:

Dell Perelman
Mike Walls
Allison Starmann
Judah Prero
Dave Fischer
Bryan Zumwalt

Let me know if you need anything else.

Thank you,
Bryan

Sent from my iPhone

> On May 25, 2018, at 9:31 AM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

>
> Bryan,
>
> Following-up: did you have a list of guests or any handouts to provide?
>
> Thank you,
> Will

> -----Original Message-----

> From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
> Sent: Tuesday, May 22, 2018 5:34 PM
> To: Lovell, Will (William) <lovell.william@epa.gov>
> Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st

> Perfect. Thank you.

>
> Sent from my iPhone

>> On May 22, 2018, at 5:31 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

>>
>> North. Please see logistics below. We will reach out to you closer to the date for a guest list and any handouts you plan to provide.

>>
>> Best,
>> Will

>>
>> Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station. Please arrive 10 minutes prior to the meeting with photo ID to clear Security.

>>
>> EPA Contact: For an escort from Security to the meeting call (202) 564-4332; for all other matters call Robin Kime (202)564-6587.

>> -----Original Message-----

>> From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
>> Sent: Tuesday, May 22, 2018 5:18 PM
>> To: Lovell, Will (William) <lovell.william@epa.gov>
>> Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st

>> Perfect. We'll be there. South or north entrance? And thank you!

>>
>> Sent from my iPhone

>>
>>> On May 22, 2018, at 5:13 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:
>>>
>>> Howdy, Bryan. How about 12:15 pm on 5/30?
>>>
>>> -----Original Message-----
>>> From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
>>> Sent: Tuesday, May 22, 2018 11:17 AM
>>> To: Lovell, Will (William) <lovell.william@epa.gov>
>>> Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st
>>>
>>> Will,
>>>
>>> Sorry for circling back already, but I think Wednesday, the 30th may work even better. Any spots available on the 30th instead?
>>>
>>> Let me know and thank you, Bryan
>>>
>>> Sent from my iPhone
>>>
>>>> On May 21, 2018, at 6:08 PM, Zumwalt, Bryan <Bryan_Zumwalt@americanchemistry.com> wrote:
>>>>
>>>> Hello will,
>>>>
>>>> I hope all is well over at EPA and life is good for you generally. Was hoping to get a couple of people in to meet with Brittany and Nancy next week. Realize we may even have to push it back one more week, but if there's a chance at all we can meet on the afternoon of Thursday the 31st that would be great?
>>>>
>>>> Let me know and thank you, Bryan
>>>>
>>>> Sent from my iPhone
>>> ++++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 - 2nd Street NE, Washington, DC 20002, www.americanchemistry.com
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>> NOTICE: This email originated from a source outside of the American Chemistry Council. Do not click any links or access attachments unless you are expecting them, and know that the content is safe.
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> NOTICE: This email originated from a source outside of the American Chemistry Council. Do not click any links or access attachments unless you are expecting them, and know that the content is safe.
+++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 - 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

Message

From: Diane Troutman [dltroutman@819eagle.com]
Sent: 5/11/2018 5:51:44 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
Subject: Fwd: Meeting Request

Flag: Follow up

Will,

I apologize for not hitting the reply all with my response.

Thanks,
Diane

*Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone: Ex. 6
Fax: 202-331-8216*

----- Forwarded message -----

From: Diane Troutman <dltroutman@819eagle.com>
Date: Fri, May 11, 2018 at 1:47 PM
Subject: Re: Meeting Request
To: "Ford, Hayley" <ford.hayley@epa.gov>

Hi Hayley,

Shintech has a specific interest in having the rule promulgated regardless as to whether the changes the Vinyl Institute recommended has been considered.

Shintech is in the midst of final decision-making on the construction of a brand new plant in Louisiana and perhaps another in Texas. The PVC market is growing. As you know, Shintech is a subsidiary of a very large Japanese Corporation, Shin-Etsu. My boss and the CEO of Shintech Domestic Operations would like to see the Administrator to give him credit for this new construction project and the associated new jobs that will be created in Louisiana and later in Texas. The meeting follows up on discussions held with the Administrator, before he was the Administrator, a couple years ago.

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4th Floor
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Phone: Ex. 6
Fax: 202-331-8216

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Hi Diane,

I understand this group met with EPA professionals last month. Is there a reason that they'd like to come back so soon?

Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: Ex. 6

From: Diane Troutman [mailto:dltroutman@819eagle.com]

Sent: Wednesday, May 9, 2018 3:00 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Meeting Request

Hello Hayley,

Attached is a meeting request to meet with the Administrator and either someone from the Policy or Air office.

Thank you in advance.

Regards,

Diane

Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone:

Fax: 202-331-8216

Message

From: Diane Troutman [dltroutman@819eagle.com]
Sent: 3/29/2018 4:23:44 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: FW: Meeting Request

Hi Alex,

Thank you for the update. I look forward to working with you.

Best,
Diane

*Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone: Ex. 6
Fax: 202-331-8216*

On Thu, Mar 29, 2018 at 12:22 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Diane,

Happy to assist. We have a scheduling meeting tomorrow afternoon and I should have an answer for you then.

Best,
Alex

Alex Dominguez

Policy Analyst to the Principal Deputy

Office of Air and Radiation

U.S. Environmental Protection Agency

From: Lovell, Will (William)
Sent: Thursday, March 29, 2018 11:36 AM
To: Diane Troutman <dltroutman@819eagle.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: FW: Meeting Request

Diane,

I spoke to my colleagues in the Office of Air, and we agreed that it would be best if the meeting was coordinated through them. I am looping in Alex Dominguez who can help find a time and date.

Best,

Will

From: Diane Troutman [<mailto:dltroutman@819eagle.com>]
Sent: Monday, March 26, 2018 12:01 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: FW: Meeting Request

Will,

Thank you for keeping me updated.

Regards,

Diane

Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone: **Ex. 6**

Fax: 202-331-8216

On Mon, Mar 26, 2018 at 11:50 AM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Diane,

I have reached out to the Office of Air to see if someone would be available to join for the meeting. I will let you know what I hear from them.

Best,

Will

From: Diane Troutman [<mailto:dltroutman@819eagle.com>]

Sent: Friday, March 23, 2018 11:04 AM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Lovell, Will (William) <lovell.william@epa.gov>

Subject: Re: FW: Meeting Request

Hi Hayley,

Thank you for your response and putting us in contact with Will.

We would like to request a meeting with the Policy staff on the PVC MACT. Hopefully, the meeting can be arranged either April 11th, 12th or 13th after 10:00 a.m as Mr. Mason is based in Houston.

Will, I look forward to working with you on this request.

Thank you both.

Diane

Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone: **Ex. 6**

Fax: 202-331-8216

On Fri, Mar 23, 2018 at 8:35 AM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Diane,

Thank you for sending along this request. Given the Administrator's schedule over the next month or so, I wanted to put you in contact with Will Lovell within our Office of Policy. He works with some of our senior staff on the political team, many of whom handle the PVC MACT and could speak to this issue. I think arranging a meeting with our Policy staff would be helpful to your team.

Please let Will and I know if that works for you and he can hopefully find some dates that work with your request.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: **Ex. 6**

From: Diane Troutman [mailto:dltroutman@819eagle.com]
Sent: Thursday, March 22, 2018 12:14 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Subject: Meeting Request

Hello Hayley,

We are requesting a meeting with the Administrator for Shintech Corporation. Please see the attached request.

Thank you in for you assistance.

Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone: **Ex. 6**

Fax: 202-331-8216

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Sent: 3/29/2018 4:06:49 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: FW: Meeting Request

Will,

Thank you for your assistance and for forwarding the information.

Best,
Diane

*Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone: **Ex. 6**
Fax: 202-331-8216*

On Thu, Mar 29, 2018 at 12:03 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Diane,

I have forwarded all the relevant information to Alex.

Thanks,

Will

From: Diane Troutman [mailto:dltroutman@819eagle.com]
Sent: Thursday, March 29, 2018 11:59 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: FW: Meeting Request

Hi Will,

Thank you for looping me in to Alex in the Office of Air. Did you forward the original meeting request information or do we need to start over with a meeting request?

Best,

Diane

Hi Alex,

We are requesting a meeting on the PVC MACT after 10:00 a.m. on either April 11th, 12th or 13th for Mr. Richard Mason, Shintech and Michael O'Bannon, EOP Group. If you require additional information, please let me know.

Thank you in advance for your assistance.

Regards,

Diane

Diane Troutman

EOP Group, Inc.

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4th Floor

Washington, D.C. 20001

Phone: **Ex. 6**

Fax: 202-331-8216

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Fax: 202-331-8216

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Cc: Lovell, Will (William) <lovell.william@epa.gov>
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Will, I look forward to working with you on this request.

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Diane

Diane Troutman

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Phone:

Ex. 6

Fax: 202-331-8216

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Please let Will and I know if that works for you and he can hopefully find some dates that work with your request.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: [202-564-2022](tel:202-564-2022)

Cell: Ex. 6

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Sent: Thursday, March 22, 2018 12:14 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Meeting Request

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Diane Troutman

EOP Group, Inc.

819 7th Street, N.W.

4th Floor

Washington, D.C. 20001

Phone:

Ex. 6

Fax: 202-331-8216

Message

From: Hulse, Leslie [Leslie_Hulse@americanchemistry.com]
Sent: 2/7/2018 7:51:13 PM
To: Corona, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=18d86fb8269b4557b5d06622b3a941af-Corona, Elizabeth]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: Advance materials for 2/8
Attachments: PolyOne-BFG RN Comparison.pptx
Flag: Follow up

Robin and Will,

Attached please find a one page hand-out that PolyOne intends to use in its 1PM meeting tomorrow with the Office of Policy. If you would provide this to Samantha Dravis and Brittany Bolen (and any other anticipated EPA attendees) at your earliest convenience, we would be most appreciative. Thank you – and thank you Elizabeth.

Regards,
Leslie

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel
leslie_hulse@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: Ex. 6
www.americanchemistry.com

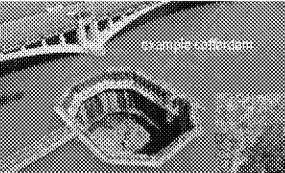
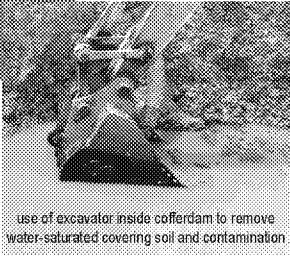
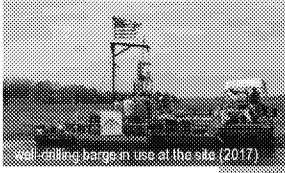

From: Corona, Elizabeth [mailto:Corona.Elizabeth@epa.gov]
Sent: Wednesday, February 07, 2018 11:32 AM
To: Kime, Robin; Lovell, Will (William)
Cc: Hulse, Leslie
Subject: Advance materials for 2/8

Hi Robin and Will - I'm writing to connect you to Leslie Hulse (cc'd) from ACC. Leslie will be sending over some materials in advance of the PolyOne meeting tomorrow. I was told the two of you are the best people for her to send them to. - Best, Elizabeth

--
Elizabeth Corona, PhD, MBA
Office of Policy | EPA Smart Sectors Program
U.S. Environmental Protection Agency
(Desk) 202-564-8356
(Cell) Ex. 6

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therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

<p>RN2: Dock Relocation, Cofferdam Construction, Excavation, and Disposal</p>	<p>Modified RN2: Removal and Containment</p>
 <p>example cofferdam</p>  <p>use of excavator inside cofferdam to remove water-saturated covering soil and contamination.</p>	 <p>drilling barge in use at the site (2017)</p>  <p>example of interlocking sheet pile installation</p>
<p>Scope</p>	
<ul style="list-style-type: none"> Excavation, requiring relocation of operating barge dock, followed by construction of massive cofferdam (extending 40' into air above low river level to address river level change). Once excavation begins, removal of covering soil ranging from 7 to 25 feet thick, takes place before encountering deep contamination zone 	<ul style="list-style-type: none"> Pumped extraction of contamination through use of a river barge, without interrupting use of dock, through a methodology already used at site as shown in above photo, followed by installation of engineered interlocking sheet pile
<p>Complexity</p>	
<ul style="list-style-type: none"> Because the dock must be relocated, no remedial work can take place until a new temporary dock can be designed and built, the existing dock removed, and a temporary cofferdam installed Complex design, not just for the cofferdam and dock construction, but also for logistics of access for excavation inside 30' deep hole and routing of 13,000 dump trucks of soil through the site and onto public roads 	<ul style="list-style-type: none"> All of the work is done by barge, without interrupting existing operations and not requiring dock relocation
<p>Timing</p>	
<ul style="list-style-type: none"> 2 year design, with at least 3 more years until removal At least 6 permits needed to commence removal 	<ul style="list-style-type: none"> 2 month design, with immediate removal following No permits needed for removal
<p>Remedy Effectiveness</p>	
<ul style="list-style-type: none"> Hypothetical 100% removal 	<ul style="list-style-type: none"> 100% containment after 95% removal/immobilization
<p>Cost Effectiveness</p>	
<ul style="list-style-type: none"> EPA estimated \$144M total project cost <ul style="list-style-type: none"> 60% of the costs are actually "non-value added" work, not performing remediation <ul style="list-style-type: none"> \$36M to build temporary dock and infrastructure \$50M to relocate endangered mussels, install cofferdam, backfill the hole, and remove cofferdam Only 40% of the total costs are spent on remediation <ul style="list-style-type: none"> The majority of those costs -- \$36M -- is spent on relocating the waste soils to a landfill 	<ul style="list-style-type: none"> \$8M total project cost <ul style="list-style-type: none"> 100% of it focused <u>directly</u> on remedy <ul style="list-style-type: none"> \$3.2M removal through wells \$3.2M installation of containment

Message

From: Corona, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=18D86FB8269B4557B5D06622B3A941AF-CORONA, ELIZABETH]
Sent: 2/7/2018 4:31:39 PM
To: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Leslie_Hulse@americanchemistry.com
Subject: Advance materials for 2/8

Hi Robin and Will - I'm writing to connect you to Leslie Hulse (cc'd) from ACC. Leslie will be sending over some materials in advance of the PolyOne meeting tomorrow. I was told the two of you are the best people for her to send them to. - Best, Elizabeth

--

Elizabeth Corona, PhD, MBA
Office of Policy | EPA Smart Sectors Program
U.S. Environmental Protection Agency
(Desk) 202-564-8356
(Cell) Ex. 6

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 8/7/2018 8:26:30 PM
To: Shea, Quin [QShea@eei.org]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Groundwater Issues

Thanks for your email and kind words, Quinn. Will should be following up with you to schedule this meeting.
Best,
Brittany

On Aug 6, 2018, at 8:16 AM, Shea, Quin <QShea@eei.org> wrote:

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 1/3/2018 12:04:33 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: [EXTERNAL] EPA Meetings
Flag: Follow up

Will,

I apologize for the late reply. I was on the road all day yesterday and barely had a chance to look at my phone. We do not have any read ahead materials for this morning's meeting. I have worked with Brittany in the past on this issue, so she is familiar with what we are going to be addressing.

I am still waiting to hear back from our subject matter experts to see if they planned to provide any read ahead materials.

Mike

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Tuesday, January 02, 2018 10:39 AM
To: Birsic, Michael J. (MPC)
Cc: Kime, Robin
Subject: [EXTERNAL] EPA Meetings

Good morning and happy New Year, Mike,

I am gathering materials for your meetings with EPA tomorrow and the day after. I already have the list of attendees you provided. Are there any read-ahead materials you would like to provide?

Thank you,

Will Lovell
Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 12/15/2017 11:06:17 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: [EXTERNAL] RE: RMP
Flag: Follow up

Thanks, Brittany. Waiting to hear back from one of our subject matter experts and should have a good idea of a time that week. Appreciate your willingness to meet with us.

On Dec 15, 2017, at 1:28 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Hi Mike –

Seeing your other email reminded me of this one, which I had flagged for a response. I am happy to coordinate with the appropriate staff to meet with you on this issue. Please work with Will Lovell (cc'd) to schedule a meeting for early January.

Thanks,
Brittany

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Wednesday, December 6, 2017 9:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RMP

Good morning Mandy and Brittany,

I hope you both are doing well and had a nice Thanksgiving. I know neither of you are covering the RMP issue, but wanted to see if you all could help me track something down in regards to that issue.

Craig Haas, at EPA, has stated that the RMP reconsideration rule is being drafted, as we saw this blurb this morning from a lawfirm's daily email:

"Haas stated that EPA is currently drafting a Reconsideration Rule, which will rescind some RMP provisions promulgated under the original amendments and modify others. EPA anticipates providing a draft of the proposed Reconsideration Rule to the Office of Management and Budget ("OMB") in early 2018, and the agency will accept public comments once it is published in the Federal Register."

We were not getting the impression from your other colleagues that drafting had begun. Is there any way you can help me determine if that is true? If you do not know, could you please point me in the right direction of who to ask at the Agency?

Thank you in advanced for any help you can provide!

Mike

Michael Birsic
Marathon Petroleum Corporation
1201 F Street, NW, Suite 625
Washington, DC 20004

Direct: [redacted] Ex. 6
Cell: [redacted] Ex. 6
Fax: 202-442-2492
mjbirsic@marathonpetroleum.com

Message

From: Shea, Quin [QShea@eei.org]
Sent: 8/7/2018 4:19:51 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Trueheart, Cynthia [CTrueheart@eei.org]; Mohammed, Riaz [rmohammed@eei.org]
Subject: RE: Groundwater Issues
Attachments: BB Meeting Request Form.doc

Flag: Follow up

Will: Here is EEI's meeting request form. Let me know if this will suffice, and thanks in advance for your help shepherding this through the process. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org



Meeting Request Form

Today's Date: August 7, 2018

Requesting Group: Edison Electric Institute

Purpose: To discuss key water quality programs and policies, particularly pending groundwater and hydrological connectivity decisions, and associated impacts on the investor-owned electric utility industry.

Role of the Associate Administrator: Plays a critical, unique role in coordinating intra-agency discussion on these important water issues. And, potentially can provide helpful feedback to EEI and other stakeholders regarding the energy policy and economic implications for these same issues.

Background: EEI is the major stakeholder trade association representing investor-owned electric utilities and whose members are subject to a variety of EPA regulations. EEI has a substantial interest in whether the NPDES program applies to discharges that migrate through hydrologically connected groundwater to reach surface waters that are jurisdictional under the CWA.

Recent meetings with EPA: EEI has met recently with the Office of Air and Radiation, Office of Water, Office of Land and Emergency Management and the Office of General Counsel on a variety of pending regulatory issues.

Requested Date of Meeting: Monday, August 13 after 2 pm; Tuesday, August 14 and Wednesday, August 15 all day; and Thursday, August 16 before 1 pm.

Requested Duration (typically 30 minutes): 30 Minutes.

Point of Contact for Meeting (Name/Number): Quin Shea, Vice President, Environment and Natural Resources; Ex. 6

Message

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 2/13/2018 5:44:41 PM
To: Foley, Allison D. [ADFoley@Venable.com]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; jim.roewer@uswag.org; Peter E. Harley [peter.harley@nationalgrid.com]
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi,
Thank you. This is confirmed for 3/6 at 3:00 p.m. – a meeting invitation was just sent to you all. We have the initial information you sent along in your request, if you'd like to add anything or have any questions, just send me an email. Thanks and take care.

From: Foley, Allison D. [mailto:ADFoley@Venable.com]
Sent: Tuesday, February 13, 2018 10:52 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hello Robin,

We are available to meet with Samantha at 3:00 pm on March 6. If that date is no longer available, we can also meet on March 2 (either time). I will be joined by Jim Roewer, Executive Director of USWAG, and Peter Harley (National Grid), chair of the USWAG PCB Committee. Both are copied here.

Please confirm meeting details and please let me know if you need any additional information from us in advance of the meeting. Thank you.

Best,

Allison

O: Ex. 6
C: Ex. 6

From: "Kime, Robin" <Kime.Robin@epa.gov>
Sent: Feb 12, 2018 12:52 PM
To: "Foley, Allison D." <ADFoley@Venable.com>
Cc: "Lovell, Will (William)" <lovell.william@epa.gov>
Subject: FW: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi Allison,
I hope you are well. Samantha would be glad to meet with you. Would any of the following dates/times work for your schedule?

2/22 at 1:30 or 2:00 or 2:30 or 3:00
2/23 at 2:00 or 2:30 or 3:00

3/2 at 11:00 or 11:30
3/6 at 3:00

If it helps, I can propose additional dates. Thanks and take care.
Robin

From: Foley, Allison D. [mailto:]
Sent: Monday, January 29, 2018 2:34 PM
To: Kime, Robin <Kime.Robin@epa.gov>
Subject: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Dear Ms. Kime:

I'm writing on behalf of the Utility Solid Waste Activities Group (USWAG) to follow up on a letter sent to Ms. Samantha Dravis in December regarding USWAG's comments on Executive Order 13777 (copy of December letter attached). In particular, we request a meeting with Ms. Dravis to discuss specific comments regarding regulatory reform and burden reduction in the context of the federal PCB program administered by EPA under TSCA, and the corresponding regulations set forth at 40 C.F.R. Part 761.

Of particular urgency are requests for:

- Clarification of the PCB disposal regulations at 40 C.F.R. § 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of <50 ppm PCB in non-TSCA landfills (see Exhibit A at 10-11); and
- Modification of the PCB analytical rules throughout 40 C.F.R. Part 761 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently the automated soxhlet extraction method, Method 3541, though these methods are constantly evolving and the regulatory text should therefore allow for use of whatever the most current method is at any particular time).

We are requesting a meeting to discuss these regulatory amendments which would eliminate unnecessary and costly regulatory burdens and logistical challenges that significantly delay PCB cleanup projects, without any risk-based justification. The requested regulatory changes are consistent with EO 13777 and the objectives of EPA's Smart Sector Initiative as they would not only reduce unnecessary regulatory burden but will improve environmental outcomes by streamlining and accelerating PCB cleanup projects and associated compliance efforts by electric and gas utilities.

Please advise if Ms. Dravis has availability for a meeting in the second half of February. Please let me know if you have any questions or need more information from me. Thank you for your attention to this.

Best,

Allison D. Foley, Esq. | Venable LLP
☎ Ex. 6 | 202.344.8300 | Ex. 6
600 Massachusetts Avenue, NW, Washington, DC 20001

ADFoley@Venable.com | www.Venable.com

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This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 12/20/2017 8:48:21 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: [EXTERNAL] RE: Meeting Request

Flag: Follow up

Hey Will,

Not a problem. It will be me and Margaret Caravelli.

Mike

On Dec 20, 2017, at 2:33 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Mike, could you also provide an attendee list for the January 3 meeting?

From: Lovell, Will (William)
Sent: Wednesday, December 20, 2017 12:59 PM
To: 'Birsic, Michael J. (MPC)' <mjbirsic@marathonpetroleum.com>
Subject: RE: [EXTERNAL] RE: Meeting Request

Thank you, Mike.

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Wednesday, December 20, 2017 12:43 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: [EXTERNAL] RE: Meeting Request

Our focus has been on NAAQS, NSPS and NESHAP. I believe that is 238 rules in total.

On Dec 20, 2017, at 12:21 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Mike,

In preparation for this meeting, are there any particular non-discretionary review periods that your group would like to discuss?

Thank you,
Will

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Friday, December 15, 2017 9:33 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Margaret Caravelli (Balch & Bingham) <mcaravelli@balch.com>; Inge, Carolyn <Inge.Carolyn@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: [EXTERNAL] RE: Meeting Request

Excellent. Thank you, Brittany.

Carolyn, please let us know some times that may work for Brittany the first or second week of January.

Mike

From: Bolen, Brittany [<mailto:bolen.brittany@epa.gov>]
Sent: Friday, December 15, 2017 9:18 AM
To: Birsic, Michael J. (MPC)
Cc: Margaret Caravelli (Balch & Bingham); Inge, Carolyn; Lovell, Will (William)
Subject: [EXTERNAL] RE: Meeting Request

Hi Mike and Margaret,
Thanks for your email. Hope you two are doing well, too. Please work with Carolyn Inge (cc'd) to schedule this meeting.
Merry Christmas to you both, and see you in the New Year.
Brittany

From: Birsic, Michael J. (MPC) [<mailto:mjbirsic@marathonpetroleum.com>]
Sent: Thursday, December 14, 2017 2:12 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Margaret Caravelli (Balch & Bingham) <mcaravelli@balch.com>
Subject: Meeting Request

Hi Brittany,

I hope you are doing well. We wanted to reach out to see if you had time to get together the first or second week of January to talk about non-discretionary review periods in the CAA.

Thank you in advanced for your consideration and we hope to see you soon.

Merry Christmas,

Birsic

Michael Birsic
Marathon Petroleum Corporation
1201 F Street, NW, Suite 625
Washington, DC 20004
Direct: Ex. 6
Cell: Ex. 6
Fax: 202-442-2492
mjbirsic@marathonpetroleum.com

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 3/23/2018 12:35:02 PM
To: Diane Troutman [dltroutman@819eagle.com]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: FW: Meeting Request
Attachments: EPA Administrator Pruitt External Meeting Request.docx

Flag: Follow up

Hi Diane,

Thank you for sending along this request. Given the Administrator's schedule over the next month or so, I wanted to put you in contact with Will Lovell within our Office of Policy. He works with some of our senior staff on the political team, many of whom handle the PVC MACT and could speak to this issue. I think arranging a meeting with our Policy staff would be helpful to your team.

Please let Will and I know if that works for you and he can hopefully find some dates that work with your request.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: Ex. 6

From: Diane Troutman [mailto:dltroutman@819eagle.com]
Sent: Thursday, March 22, 2018 12:14 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Subject: Meeting Request

Hello Hayley,

We are requesting a meeting with the Administrator for Shintech Corporation. Please see the attached request.

Thank you in for you assistance.

Diane Troutman
EOP Group, Inc.
819 7th Street, N.W.
4th Floor
Washington, D.C. 20001
Phone: Ex. 6
Fax: 202-331-8216



Meeting Request Form for Administrator Scott Pruitt

Today's Date:

- March 22, 2018

Meeting Dates:

- April 11, 12, or 13, 2018

Meeting Time:

- Any time after 10:00 a.m.

Requested Location (if offsite, please list address, parking instructions, etc.):

- Administrator's offices

Requestor:

- Michael O'Bannon, The EOP Group

Purpose of the Meeting:

- Meet and greet for the Senior American Officer of the Shintech Corporation, a Subsidiary of Shn-Etsu of Japan, the largest PVC producer in the world. Shintech's ask is that EPA publish the PVC MACT as soon as possible. The reason is that Shintech must have regulatory certainty before they construct another plant in the U.S. and implement additional upgrades in its existing facilities to increase their PVC production.

Background on the Meeting:

- Shintech wants to make its case to the Administrator without the Vinyl Institute's perspective being preeminent.

Role of the Administrator:

- Promoting the publishing of the PVC MACT Rule.

Attendees:

- Richard Mason, Shintech Secretary
- Michael O'Bannon, EOP Group

Point of Contact:

- Diane Troutman, The EOP Group at **Ex. 6** or dltroutman@819eagle.com

Message

From: Steven Medved [smedved@publicpower.org]
Sent: 1/29/2018 7:07:45 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: APPA Legislative Rally - Cooperative Federalism Session
Attachments: 2017 Rally Schedule of Events.pdf

Hi Will,

A 2018 schedule hasn't been finalized yet but I've attached the one from last year. The days and times do not change, just the dates. The Legislative Rally is geared towards public power staff and leaders, mayors, city council and board members, and lawyers who represent public power in D.C.

You can find more background information regarding APPA's Legislative Rally here:

<https://www.publicpower.org/event/legislative-rally#event-info>.

Information on the Cooperative Federalism session is here: <https://www.publicpower.org/event/session/pre-rally-seminars>.

Please let me know if you have any other questions other than what Carolyn Slaughter will follow-up with you on.

Thanks!

Steve

Steve Medved
Government Relations Coordinator
American Public Power Association
2451 Crystal Drive, Ste. 1000
Arlington, VA 22202

Ex. 6 (direct)
www.publicpower.org

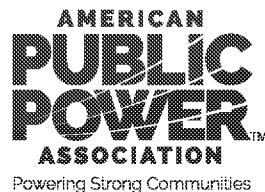


2017 Legislative Rally

SCHEDULE OF EVENTS

MONDAY, FEBRUARY 27 – THURSDAY, MARCH 2

THE MAYFLOWER HOTEL



MONDAY, FEBRUARY 27

7:30 am – 6:00 pm
Registration Desk Open
Location: Promenade Foyer

8:00 am – 3:00 pm
**Pre-Rally Seminar –
Governance Workshop:
Policy Development and Implementation**
(note additional registration fee)
Room: Chinese Ballroom

8:30 am – 12:00 pm
**Pre-Rally Seminar –
Tax Reform and Municipal Bonds:
What Can We Expect?**
(note additional registration fee)
Room: Palm Court Ballroom

1:30 pm – 5:00 pm
**Pre-Rally Seminar –
Pole Attachments:
Major New Challenges and Opportunities**
(note additional registration fee)
Room: Palm Court Ballroom

1:30 pm – 5:00 pm
**Pre-Rally Seminar –
Cybersecurity Challenges for Utilities;
An Overview of Threats, Preparedness,
Incident Response, and Legal Development**
Room: District Ballroom

9:00 am – 12:00 pm
Advisory Committee Meeting
Room: East Ballroom

12:30 – 1:30 pm
PowerPAC Board Meeting
Room: Virginia

1:30 – 2:45 pm
Joint Action Agencies Meeting
Room: East Ballroom

3:00 – 4:00 pm
Membership Committee Meeting
Room: Virginia

3:00 – 5:00 pm
Policy Makers Council Meeting
Room: East Ballroom

4:30 – 5:30 pm
Women in Public Power Reception
Room: Chinese Ballroom

5:00 – 5:30 pm
**Policy Makers Council
New Member Orientation**
Room: Virginia

5:30 – 7:00 pm
Welcoming Reception
Room: Grand Ballroom

TUESDAY, FEBRUARY 28

7:30 am – 5:30 pm
Registration Desk Open
Location: Promenade Foyer

9:00 am – 12:00 pm
L&R Committee Meeting
Room: East & State Ballroom

11:00 – 11:45 am
Press Briefing
Room: Rhode Island

12:00 – 1:30 pm
L&R Committee Luncheon
Room: Grand Ballroom

1:30 – 3:30 pm
PMA Taskforce Meeting
Room: East Ballroom

5:00 – 6:30 pm
**PowerPAC Open House/
Fundraiser for Rep. Randy Hultgren
(open only to Power PAC members)**
Room: Chinese Ballroom

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L&R Committee Luncheon Sponsors

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L&R Committee Speaker Sponsor



WEDNESDAY, MARCH 1

7:30 – 9:00 am

Legislative Rally Breakfast

Room: Grand Ballroom

7:00 – 8:30 am

Registration Booth Staffed

Location: Promenade Foyer

9:00 – 10:45 am

Nominating Committee Meeting

Room: Rhode Island

9:45 – 11:15 am

Awards Committee Meeting

Room: Pennsylvania

12:00 – 1:00 pm

Finance and Audit Review Committee Meeting

Room: North Carolina

1:30 – 4:30 pm

Retirement Plan Advisory Committee Meeting

Room: Delaware

THURSDAY, MARCH 2

7:30 – 9:00 am

Executive Committee Meeting

Room: Pennsylvania

9:00 am – 12:00 pm

Board of Directors Meeting

Room: Grand Ballroom

12:00 – 1:30 pm

Board Luncheon

Room: Grand Ballroom

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 12/19/2017 11:51:31 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Hesselbein, Sherry L. (MPC) [shesselbein@marathonpetroleum.com]; Peterkoski, Timothy J. (MPC) [tjpeterkoski@marathonpetroleum.com]; Haney, Scott A. (MPC) [sahaney@marathonpetroleum.com]
Subject: Re: [EXTERNAL] RE: RMP
Flag: Follow up

That works great! Scott, Tim and I will be attending in person and Sherry will be calling in.

On Dec 19, 2017, at 5:09 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Great. How about 10 am? I can provide that number when I get confirmation from our scheduling team.

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Tuesday, December 19, 2017 8:23 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Hesselbein, Sherry L. (MPC) <shesselbein@marathonpetroleum.com>; Peterkoski, Timothy J. (MPC) <tjpeterkoski@marathonpetroleum.com>; Haney, Scott A. (MPC) <sahaney@marathonpetroleum.com>
Subject: Re: [EXTERNAL] RE: RMP

Will,

We can make January 4th in the morning work. Any chance we can have a dial-in number so Sherry can participate by phone?

Mike

On Dec 18, 2017, at 12:37 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Mike,

Right now, Brittany's calendar appears to be relatively clear for the beginning of the year. Would the morning of Thursday, January 4, work for your group?

Thank you,
Will

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Monday, December 18, 2017 10:10 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Hesselbein, Sherry L. (MPC) <shesselbein@marathonpetroleum.com>; Peterkoski, Timothy J. (MPC) <tjpeterkoski@marathonpetroleum.com>; Haney, Scott A. (MPC) <sahaney@marathonpetroleum.com>
Subject: Re: [EXTERNAL] RE: RMP

Hi Will,

I hope you are doing well. I included our team that handles their RMP issue on this email. We would love the opportunity to sit down the Agency at the beginning of January to discuss the rewrite of the rule.

Thanks for your help with scheduling.

Mike

On Dec 15, 2017, at 1:28 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Hi Mike –

Seeing your other email reminded me of this one, which I had flagged for a response. I am happy to coordinate with the appropriate staff to meet with you on this issue. Please work with Will Lovell (cc'd) to schedule a meeting for early January.

Thanks,
Brittany

From: Birsic, Michael J. (MPC)

[<mailto:mjbirsic@marathonpetroleum.com>]

Sent: Wednesday, December 6, 2017 9:42 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RMP

Good morning Mandy and Brittany,

I hope you both are doing well and had a nice Thanksgiving. I know neither of you are covering the RMP issue, but wanted to see if you all could help me track something down in regards to that issue.

Craig Haas, at EPA, has stated that the RMP reconsideration rule is being drafted, as we saw this blurb this morning from a lawfirm's daily email:

"Haas stated that EPA is currently drafting a Reconsideration Rule, which will rescind some RMP provisions promulgated under the original amendments and modify others. EPA anticipates providing a draft of the proposed Reconsideration Rule to the Office of Management and Budget ("OMB") in early 2018, and the agency will accept public comments once it is published in the Federal Register."

We were not getting the impression from your other colleagues that drafting had begun. Is there any way you can help me determine if that is true? If you do not know, could you please point me in the right direction of who to ask at the Agency?

Thank you in advanced for any help you can provide!

Mike

Michael Birsic
Marathon Petroleum Corporation
1201 F Street, NW, Suite 625

Washington, DC 20004

Direct: **Ex. 6**

Cell: **Ex. 6**

Fax: 202-442-2492

mjbirsic@marathonpetroleum.com

Message

From: Hulse, Leslie [Leslie_Hulse@americanchemistry.com]
Sent: 2/8/2018 4:25:13 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: Advance materials for 2/8
Flag: Follow up

What times are you suggesting for the Tuesday and Wed. 2 weeks from now?

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Thursday, February 08, 2018 11:23 AM
To: Hulse, Leslie
Cc: Kime, Robin
Subject: RE: Advance materials for 2/8

Thank you, Leslie.

From: Hulse, Leslie [mailto:Leslie_Hulse@americanchemistry.com]
Sent: Thursday, February 8, 2018 11:22 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Advance materials for 2/8

Will,

Let me try and reach the other participants and get back to you ASAP.

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel
leslie_hulse@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O:
www.americanchemistry.com

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Thursday, February 08, 2018 11:21 AM
To: Hulse, Leslie
Cc: Kime, Robin
Subject: RE: Advance materials for 2/8

Leslie,

I am very sorry to ask, but would it be possible to reschedule? An unavoidable schedule conflict has come up for Samantha. Other times that work are 1:00 pm on 2/15 or the following Tuesday or Wednesday. If the group is unable to attend in-person, we could also arrange a phone call.

I apologize again for the late notice.

Thank you,
Will

From: Hulse, Leslie [mailto:Leslie_Hulse@americanchemistry.com]
Sent: Wednesday, February 7, 2018 2:51 PM
To: Corona, Elizabeth <Corona.Elizabeth@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Advance materials for 2/8

Robin and Will,

Attached please find a one page hand-out that PolyOne intends to use in its 1PM meeting tomorrow with the Office of Policy. If you would provide this to Samantha Dravis and Brittany Bolen (and any other anticipated EPA attendees) at your earliest convenience, we would be most appreciative. Thank you – and thank you Elizabeth.

Regards,
Leslie

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel
leslie_hulse@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: **Ex. 6**
www.americanchemistry.com

From: Corona, Elizabeth [<mailto:Corona.Elizabeth@epa.gov>]
Sent: Wednesday, February 07, 2018 11:32 AM
To: Kime, Robin; Lovell, Will (William)
Cc: Hulse, Leslie
Subject: Advance materials for 2/8

Hi Robin and Will - I'm writing to connect you to Leslie Hulse (cc'd) from ACC. Leslie will be sending over some materials in advance of the PolyOne meeting tomorrow. I was told the two of you are the best people for her to send them to. - Best, Elizabeth

--
Elizabeth Corona, PhD, MBA
Office of Policy | EPA Smart Sectors Program
U.S. Environmental Protection Agency
(Desk) 202-564-8356
(Cell) **Ex. 6**

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Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 1/4/2018 1:32:05 PM
To: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Irving, Verna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9e9c4a3b2b4b46df88c24bf66cbb4fec-VIrving]
Subject: RE: [EXTERNAL] 10:00 a.m. EPA Meetings
Flag: Follow up

Got it. Thanks!

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Thursday, January 04, 2018 8:31 AM
To: Birsic, Michael J. (MPC); Lovell, Will (William)
Cc: Irving, Verna
Subject: [EXTERNAL] 10:00 a.m. EPA Meetings

Good morning,

Today's 10:00 should be fine. I will check a few things here and let you know if that needs to change. When you arrive, will you have the guards call Will directly at (202) 564-5713 to escort you to the conference room? Thanks very much and be safe.

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Thursday, January 4, 2018 7:40 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: [EXTERNAL] EPA Meetings

Will,

I saw that you all are operating on a 2 hour delay. Are we still good for our meeting?

Mike

From: Birsic, Michael J. (MPC)
Sent: Wednesday, January 03, 2018 1:05 PM
To: 'Lovell, Will (William)'
Cc: Kime, Robin
Subject: RE: [EXTERNAL] EPA Meetings

Will,

Here is our presentation for tomorrow.

Mike

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Tuesday, January 02, 2018 10:39 AM

To: Birsic, Michael J. (MPC)
Cc: Kime, Robin
Subject: [EXTERNAL] EPA Meetings

Good morning and happy New Year, Mike,

I am gathering materials for your meetings with EPA tomorrow and the day after. I already have the list of attendees you provided. Are there any read-ahead materials you would like to provide?

Thank you,

Will Lovell
Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 1/4/2018 1:31:25 PM
To: Birsic, Michael J. (MPC) [mjbirdsic@marathonpetroleum.com]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
CC: Irving, Verna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9e9c4a3b2b4b46df88c24bf66cbb4fec-VIrving]
Subject: 10:00 a.m. EPA Meetings

Good morning,

Today's 10:00 should be fine. I will check a few things here and let you know if that needs to change. When you arrive, will you have the guards call Will directly at (202) 564-5713 to escort you to the conference room? Thanks very much and be safe.

From: Birsic, Michael J. (MPC) [mailto:mjbirdsic@marathonpetroleum.com]
Sent: Thursday, January 4, 2018 7:40 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: [EXTERNAL] EPA Meetings

Will,

I saw that you all are operating on a 2 hour delay. Are we still good for our meeting?

Mike

From: Birsic, Michael J. (MPC)
Sent: Wednesday, January 03, 2018 1:05 PM
To: 'Lovell, Will (William)'
Cc: Kime, Robin
Subject: RE: [EXTERNAL] EPA Meetings

Will,

Here is our presentation for tomorrow.

Mike

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Tuesday, January 02, 2018 10:39 AM
To: Birsic, Michael J. (MPC)
Cc: Kime, Robin
Subject: [EXTERNAL] EPA Meetings

Good morning and happy New Year, Mike,

I am gathering materials for your meetings with EPA tomorrow and the day after. I already have the list of attendees you provided. Are there any read-ahead materials you would like to provide?

Thank you,

Will Lovell

Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Foley, Allison D. [ADFoley@Venable.com]
Sent: 3/2/2018 9:18:36 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
CC: jim.roewer@uswag.org; Peter E. Harley [peter.harley@nationalgrid.com]
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction
Attachments: USWAG PCB mtg request_Dravis_12.05.2017.pdf

Flag: Follow up

Hello Will,




We have no additional materials beyond the original meeting material request letter, attached hereto. The cover letter describes in summary fashion the two issues we would like to focus Tuesday's discussion on; these issues are discussed in greater detail on pages 13-14 of the attached pdf. Note that USWAG's original EO 13777 comments (which begin at page 4 of the pdf) raise additional burden reduction/regulatory reform issues related to the federal PCB program, discussed on pages 15-16 of the pdf. We are happy to also discuss these additional issues, time permitting, if Ms. Dravis would like.

James Roewer (Executive Director, USWAG), Peter Harley (USWAG PCB Committee Chair/National Grid), and I will be in attendance. Jim and Pete are both copied on this email.

Thank you, and please let us know if you need additional information. We look forward to next week's meeting.

Best,

Allison D. Foley, Esq. | Venable LLP

 Ex. 6  202.344.8300  Ex. 6
600 Massachusetts Avenue, NW, Washington, DC 20001

ADFoley@Venable.com | www.Venable.com

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Friday, March 02, 2018 9:47 AM
To: Foley, Allison D. <ADFoley@Venable.com>; Kime, Robin <Kime.Robin@epa.gov>
Cc: jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hello, all,

I wanted to check-in to see if you had a list of attendees for this meeting and/or any materials you could provide us with ahead of the meeting.

Thank you,
Will

From: Foley, Allison D. [mailto:ADFoley@Venable.com]
Sent: Tuesday, February 13, 2018 12:46 PM

To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Thanks very much, Robin.

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Tuesday, February 13, 2018 12:45 PM
To: Foley, Allison D. <ADFoley@Venable.com>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi,
Thank you. This is confirmed for 3/6 at 3:00 p.m. – a meeting invitation was just sent to you all. We have the initial information you sent along in your request, if you'd like to add anything or have any questions, just send me an email. Thanks and take care.

From: Foley, Allison D. [mailto:ADFoley@Venable.com]
Sent: Tuesday, February 13, 2018 10:52 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hello Robin,

We are available to meet with Samantha at 3:00 pm on March 6. If that date is no longer available, we can also meet on March 2 (either time). I will be joined by Jim Roewer, Executive Director of USWAG, and Peter Harley (National Grid), chair of the USWAG PCB Committee. Both are copied here.

Please confirm meeting details and please let me know if you need any additional information from us in advance of the meeting. Thank you.

Best,

Allison

O: 202-344-4416

C: Ex. 6

From: "Kime, Robin" <Kime.Robin@epa.gov>
Sent: Feb 12, 2018 12:52 PM
To: "Foley, Allison D." <ADFoley@Venable.com>
Cc: "Lovell, Will (William)" <lovell.william@epa.gov>
Subject: FW: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi Allison,

I hope you are well. Samantha would be glad to meet with you. Would any of the following dates/times work for your schedule?

2/22 at 1:30 or 2:00 or 2:30 or 3:00

2/23 at 2:00 or 2:30 or 3:00

3/2 at 11:00 or 11:30

3/6 at 3:00

If it helps, I can propose additional dates. Thanks and take care.

Robin

From: Foley, Allison D. [mailto:]

Sent: Monday, January 29, 2018 2:34 PM

To: Kime, Robin <Kime.Robin@epa.gov>

Subject: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Dear Ms. Kime:

I'm writing on behalf of the Utility Solid Waste Activities Group (USWAG) to follow up on a letter sent to Ms. Samantha Dravis in December regarding USWAG's comments on Executive Order 13777 (copy of December letter attached). In particular, we request a meeting with Ms. Dravis to discuss specific comments regarding regulatory reform and burden reduction in the context of the federal PCB program administered by EPA under TSCA, and the corresponding regulations set forth at 40 C.F.R. Part 761.

Of particular urgency are requests for:

- Clarification of the PCB disposal regulations at 40 C.F.R. § 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of <50 ppm PCB in non-TSCA landfills (see Exhibit A at 10-11); and
- Modification of the PCB analytical rules throughout 40 C.F.R. Part 761 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently the automated soxhlet extraction method, Method 3541, though these methods are constantly evolving and the regulatory text should therefore allow for use of whatever the most current method is at any particular time).

We are requesting a meeting to discuss these regulatory amendments which would eliminate unnecessary and costly regulatory burdens and logistical challenges that significantly delay PCB cleanup projects, without any risk-based justification. The requested regulatory changes are consistent with EO 13777 and the objectives of EPA's Smart Sector Initiative as they would not only reduce unnecessary regulatory burden but will improve environmental outcomes by streamlining and accelerating PCB cleanup projects and associated compliance efforts by electric and gas utilities.

Please advise if Ms. Dravis has availability for a meeting in the second half of February. Please let me know if you have any questions or need more information from me. Thank you for your attention to this.

Best,

Allison D. Foley, Esq. | Venable LLP

Ex. 6 | 202.344.8300 | Ex. 6

600 Massachusetts Avenue, NW, Washington, DC 20001

ADFoley@Venable.com | www.Venable.com

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Allison D. FoleyT Ex. 6
F 202.344.8300
adfoley@venable.com

December 5, 2017

Samantha Dravis
Senior Counsel and Associate Administrator for Policy
Regulatory Reform Officer for Executive Order 13777
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Request for Meeting Regarding Polychlorinated Biphenyl (PCB) Regulatory
Reform and EPA's Burden Reduction/Smart Sector Initiatives

Dear Ms. Dravis:

I write on behalf of the Utility Solid Waste Activities Group (USWAG) to request a meeting with you and your staff to discuss important regulatory and burden reduction reform objectives that USWAG believes are consistent with Executive Order 13777 as well as EPA's Smart Sector Initiative. USWAG, formed in 1978, is an association of over one hundred and ten electric utilities, power producers, utility operating companies, and utility service companies located throughout the United States, including the Edison Electric Institute (EEI), the American Gas Association (AGA), the American Public Power Association (APPA), and the National Rural Electric Cooperative Association (NRECA). Together, USWAG members represent more than 73% of the total electric generating capacity of the United States, and service more than 95% of the nation's consumers of electricity and 92% of the nation's consumers of natural gas.

The regulatory reform/burden reduction issues at the heart of this request were described in detail in USWAG's comments on EO 13777, submitted to EPA on May 12, 2017 and attached hereto as Exhibit A. Specifically, USWAG requests a meeting to discuss certain of the regulatory reform/burden reduction issues related to the federal regulations applicable to polychlorinated biphenyl (PCB)-containing wastes. Of particular urgency are requests for:

- Clarification of the PCB disposal regulations at 40 C.F.R. § 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of < 50 ppm PCB in non-TSCA landfills (*see* Exhibit A at 10-11); and
- Modification of the PCB analytical rules throughout 40 C.F.R. Part 761 and including 40 C.F.R. §§ 761.61(a)(5)(B)(iv), 761.253, 761.272, 761.292, 761.358 and 761.395 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently the automated soxhlet extraction method, Method 3541, though these

Ms. Samantha Dravis
US EPA
December 5, 2017
Page 2 of 2

methods are constantly evolving and the regulatory text should therefore allow for use of whatever the most current method is at any particular time) (see Exhibit A at 11).

These regulatory amendments would eliminate unnecessary and costly regulatory burdens and logistical challenges that significantly delay PCB cleanup projects—without any risk-based justification. The requested regulatory changes would not only reduce unnecessary regulatory burden but will improve environmental outcomes by streamlining and accelerating PCB cleanup projects and associated compliance efforts by electric and gas utilities. The contemplated regulatory improvements would therefore be consistent with EO 13777 and the objectives of EPA's Smart Sector Initiative.

USWAG respectfully requests a meeting with you and your staff to discuss these issues in greater detail. Please suggest some times that would work for you.

Thank you for considering USWAG's request. We look forward to discussing these issues with you.

Respectfully,



Allison D. Foley
On behalf of the Utility Solid Waste Activities Group

EXHIBIT A

USWAG COMMENTS ON EO 13777



c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

May 12, 2017

Via Email

Samantha Dravis
Senior Counsel and Associate Administrator for Policy
Regulatory Reform Officer for Executive Order 13777
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Identification of Regulations for Repeal, Modification or Replacement Under
Executive Order 13777 (Docket ID No. EPA-HQ-OA-2017-0190)

Dear Ms. Dravis:

The Utility Solid Waste Activities Group (“USWAG”)¹ submits these comments in response to Executive Order 13777 (“EO 13777”) on “Enforcing the Regulatory Agenda,”² which furthers the policy goal of alleviating unnecessary regulatory burdens on the American people. EO 13777 directs the heads of federal agencies to establish Regulatory Reform Task Forces (“RRTF”), under the direction of an agency Regulatory Reform Officer (“RRO”), to oversee the implementation of reform activities and policies to ensure the effective carrying out of regulatory reforms including, among others, Executive Order 13771 (“EO 13771”) on “Reducing Regulations and Controlling Regulatory Costs.”

One of the key directives in EO 13777 is for RRTFs to “evaluate existing regulations³ and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.”⁴ In undertaking this task, EO 13777 directs that the RRTF shall attempt to identify regulations that, among other things:

¹ USWAG, formed in 1978, is an association of over one hundred and ten electric utilities, power producers, utility operating companies, and utility service companies located throughout the United States, including the Edison Electric Institute (“EEI”), the American Gas Association (“AGA”), the American Public Power Association (“APPA”), and the National Rural Electric Cooperative Association (“NRECA”). Together, USWAG members represent more than 73% of the total electric generating capacity of the United States, and service more than 95% of the nation’s consumers of electricity and 92% of the nation’s consumers of natural gas.

² Executive Order 13777 (Feb. 24, 2017) (“EO 13777”); *see* 82 Fed. Reg. 12285 (March 1, 2017).

³ EO 13777 refers to the definition of “regulation” or “rule” as defined in EO 13771, which includes, in pertinent part, “an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency”

⁴ EO 13771 § 4.

- (i) eliminate jobs or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits; or
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.⁵

In performing this evaluation, the RRTF is to seek input from entities significantly affected by Federal regulations including, among others, trade associations. USWAG is a trade association representing over one hundred and twenty power companies and four major utility trade associations significantly affected by hundreds of federal regulations arising under the Resource Conservation and Recovery Act (“RCRA”), the Toxic Substances Control Act (“TSCA”), the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), and provisions of the Clean Air Act (“CAA”). In particular, USWAG has represented the electric and natural gas industries for over 35 years on federal regulations involving the management of solid and hazardous waste under RCRA; hazardous substances under CERCLA, the combustion of solid wastes under section 129 of the CAA; and the management of chemical substances under TSCA. USWAG is therefore well positioned to identify regulations arising under the above-referenced federal statutes impacting the power industry that meet EO 13777’s criteria for repeal, replacement, or modification.

Below we identify those regulations falling under the various EPA offices. These regulations relate to: both the Office of Resource Conservation and Recovery (“ORCR”) and the Office of Emergency Management (“OEM”) within EPA’s Office of Land and Emergency Response (“OLEM”); the Office of Pollution Prevention and Toxics (“OPPT”) within EPA’s Office of Chemical Safety and Pollution Prevention (“OCSPP”); and the Office of Air Quality Planning and Standards (“OAQPS”) within EPA’s Office of Air and Radiation (“OAR”).

I. OLEM Regulations Warranting Repeal, Replacement or Modification

A. Coal Combustion Residuals Rule

One of the most significant rulemakings within OLEM in need of immediate modification and, in the case of some provisions, repeal, is the coal combustion residuals (“CCR”) rule under 40 C.F.R. Part 257. As EPA itself recognized upon promulgation of the CCR rule, the rule imposes costs on the regulated community that far exceed its benefits.⁶ As discussed below, the recent enactment of the Water Infrastructure Improvement for the Nation (“WIIN”) Act, which establishes procedures for states and EPA to implement the CCR rule through state or EPA permit programs, further warrants the modification of many provisions in the CCR rule to reflect its implementation through permit programs, as opposed to the rule’s original self-implementing regime.

⁵ EO 13777 § 3(d)(i)-(iv).

⁶ See 80 Fed. Reg. 21302, 21460 (April 17, 2015).

In particular, EPA removed certain provisions from the final CCR rule—which were contained in the 2010 CCR proposal⁷ and drawn from EPA’s Part 258 municipal solid waste landfills (“MSWLF”) program—that would have allowed for tailoring of the rule’s groundwater monitoring and corrective action programs based on site-specific conditions. EPA did this because, under the existing CCR rule and in contrast to the MSWLF program, there is no regulatory body overseeing implementation of the CCR rule through an enforceable permit program. EPA explained, “[i]n particular, the possibility that a state may lack a permit program for CCR units made it impossible to include some of the alternatives available in 40 CFR Part 258 [the MSWLF program], which establish alternative standards that allow a state, as part of its permit program to tailor the default requirements to account for site specific conditions at the individual facility.”⁸

With the enactment of the WIIN Act, however, the states and EPA may now implement the CCR Rule through a permit program or other system of “prior approval” (collectively “state CCR permit programs”). Therefore, EPA’s rationale for not including these risk-based provisions in the final rule no longer exists. The rule should be modified to include these common sense, risk-based management options. Given the time necessary to transition to CCR permit programs as contemplated under the WIIN Act and make the substantive risk-based revisions to the CCR rule, it also is necessary for EPA to immediately extend upcoming deadlines in the CCR rule to avoid large capital expenditures by the regulated community for elements of rule that may be implemented differently under future CCR permits.

These modifications to the CCR rule and additional recommended changes to the CCR rule identified below find further support in the President’s recent Executive Order on “Promoting Energy Independence and Economic Growth.” (“EO 13783”).⁹ EO 13783 directs, among other things, that heads of federal agencies immediately “review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, *coal*, and nuclear energy resources.”¹⁰ The CCR rule is an “agency action” that directly burdens the use of coal as an energy resource by imposing unduly stringent and extremely costly regulations on the management of CCR—the byproduct from the use of coal as an energy source. Indeed, the CCR rule can be as problematic as the Clean Water Act Effluent Limitations Guidelines Rule for the Steam Electric Power Generating Point Source Category (“ELG Rule”) on coal-fired power generation. Put simply, the use of coal as an energy source is significantly frustrated, and in some cases rendered untenable because the costs of managing residuals from this energy source (*i.e.*, CCR) are unduly burdensome and/or force the premature closure of CCR disposal units. Therefore, repeal and/or modification of the provisions of the CCR rule identified below are warranted under both EO 13777 and EO 13783.

⁷ 75 Fed. Reg. 35128 (June 21, 2010).

⁸ 80 Fed. Reg. at 21396-97.

⁹ Executive Order 13783 (Mar. 28, 2017) (“EO 13783”); *see* 82 Fed. Reg. 16093 (Mar. 31, 2017).

¹⁰ *Id* at § 2 (emphasis added).

1. Extensions of Compliance Deadlines: It is critical that EPA extend compliance dates established in the CCR rule to provide time for implementation of state permit programs. This will avoid capital expenditures for elements of the rule that may be implemented differently by a state permit program (*e.g.*, the use of risk-based standards that are equally protective). Extension of the deadlines also is necessary to ensure alignment of the CCR Rule's requirements with EPA's recent postponement of the compliance dates for implementation of the ELG Rule. Coordination of the CCR and ELG Rules' compliance time frames has been one of the overarching objectives of the Agency to ensure that owners/operators of CCR units are not forced to make decisions affecting these units under the CCR Rule without first understanding the ELG requirements. Such extensions should include the time schedules in 40 C.F.R. § 257.90(b) and § 257.90(e) for initiating groundwater monitoring, as well as the time schedules in 40 C.F.R. §§ 257.60-.64 for assessing compliance with the CCR rule's location restrictions.
2. Alternative Risk-Based Groundwater Protection Standards: The Agency should incorporate into the CCR rule the option set forth in the proposal allowing for the use of alternative risk-based standards in establishing groundwater protection standards for Appendix IV constituents that do not have an MCL.¹¹ This provision should be added to the final CCR rule at 40 C.F.R. § 257.95(h).
3. Selection of Corrective Action Remedy: The rule's corrective action remedy provision needs to be amended to allow for the consideration of "the desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives." And, as set forth in the proposed rule and allowed for under the MSWLF program, the final rule should be amended to allow for a determination that corrective action is not necessary as it would not result in any meaningful environmental benefit (*e.g.*, where the groundwater is not a source of drinking water and there is a low likelihood of contamination migrating off-site). These provisions should be added to 40 C.F.R. § 257.97.
4. Alternative Points of Compliance & Site-Specific Groundwater Monitoring Constituents: EPA should incorporate into the rule provisions already in the MSWLF program providing a permitting authority (1) the option to determine the appropriate point of compliance for the groundwater monitoring system based on site-specific conditions, and (2) the ability to tailor the constituents subject to groundwater monitoring based on site-specific conditions. These provisions should be added to 40 C.F.R. § 257.91 and § 257.94, respectively.

¹¹ See Proposed 40 C.F.R. § 257.95(h); 75 Fed. Reg. at 35249-50.

5. Adjustments to Post-Closure Care Period: EPA should incorporate into the final CCR rule a provision (as is available under RCRA's MSWLF and Subtitle C hazardous waste programs) allowing for a determination that a decreased period of post-closure care, as opposed to the mandatory 30-year period, is sufficient to protect human health and the environment. This provision should be added to 40 C.F.R. § 257.104(c).
6. Alternative Closure: EPA should modify the CCR rule at 40 C.F.R. § 257.103 to allow for the consideration of alternative disposal capacity for non-CCR wastewaters for purposes of qualifying for extended closure and avoiding premature closure of the facility. The goal of § 257.103 is to prevent the premature closure of power plants in circumstances where a surface impoundment otherwise required to close is authorized to continue operating for a limited period of time if there is no alternative disposal capacity to dispose of CCR.¹²

The rule currently only allows for the consideration of the lack of available disposal capacity for CCR in determining eligibility for continued operation. In developing the rule, however, EPA was well aware of, and the rule in fact fully contemplates, surface impoundments ceasing the receipt of CCR but continuing to receive non-CCR wastewaters and continuing to operate under the rule.¹³ Therefore, this provision needs to be amended to allow for the continued operation of surface impoundments otherwise required to close, if there is no available disposal capacity for non-CCR wastewater managed in the impoundment.¹⁴

7. Regulation of Inactive Units: For the first time in its 35-year implementation of the RCRA program, EPA made the unprecedented decision in the CCR rule to regulate "inactive units"—that is, impoundments that had ceased receiving CCR before the effective date of the CCR rule. EPA does *not* regulate "inactive" units under its Subtitle C hazardous waste program but rather relies on its statutory "imminent and substantial endangerment" authorities under RCRA and CERCLA to address any potential risks from inactive hazardous waste surface impoundments. EPA's asserted jurisdiction over inactive CCR surface impoundments is not mandated by the statute, but rather was a policy decision by the former EPA administration.¹⁵

This provision is imposing hundreds of millions of dollars of inflexible, one-size-fits-all remediation costs on the power industry, overriding state risk-based cleanup programs. It is also one of the reasons why the rule's costs far exceed its benefits.

¹² This issue is currently the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. See *USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

¹³ See 40 C.F.R. §§ 257.102(e)(1)(i), 257.102(e)(2)(i).

¹⁴ EPA has already agreed to re-evaluate this issue, and issue a proposed rule as appropriate, pursuant to a settlement agreement entered into with USWAG as a result of the CCR litigation referenced above in n. 12.

¹⁵ This issue also is the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. See *USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

Therefore, EPA should repeal the provisions at 40 C.F.R. § 257.50(c) and § 257.100 subjecting inactive surface impoundments (*i.e.*, impoundments that did not receive CCR after the rule's effective date) to regulation under the rule. EPA and the states can address any risks from these units in a more cost-effective manner under pre-existing RCRA and CERCLA imminent hazard provisions.

8. CCR Beneficial Use for Closure: The CCR rule does not apply to the beneficial use of CCR provided such use meets the definition of "beneficial use" as set forth in 40 C.F.R. § 257.53. There are no prohibitions in the rule on beneficially using CCR for closure of CCR units. Indeed, the rule's preamble specifically identifies the beneficial use of CCR for waste stabilization/solidification, which occurs as part of closing a CCR unit.¹⁶ Nonetheless, subsequent to enactment of the CCR rule, EPA has been ambiguous regarding the appropriateness of beneficially using CCR for closing CCR units. There should be no ambiguity with respect to the environmentally sound and cost-effective use of CCR in lieu of virgin materials for the closure of CCR units. Therefore, EPA should eliminate any ambiguity regarding this issue and confirm that the exclusion for CCR beneficial use includes beneficially using CCR to close CCR landfills and surface impoundments.
9. CCR Beneficial Use at Clay Mine Sites: The plain language of the CCR rule's definition of "beneficial use" places no limitations on what activities can constitute beneficial use, with the only exception being the placement of CCR in a "sand and gravel pit or quarry." The phrase "sand and gravel pit or quarry," in turn, is defined as "an excavation for the extraction of aggregate, minerals or metals." Based on this language, EPA has taken a position prohibiting the environmentally sound and beneficial practice of using CCR to reclaim clay mines on the grounds that the placement of CCR in a clay mine cannot be a beneficial use, irrespective of purpose or function, because a clay mine is or was a site used for the extraction of minerals—*i.e.*, clay. This interpretation is needlessly prohibiting a cost-effective and environmentally sound CCR beneficial use practice and is imposing unnecessary disposal costs on CCR when the CCR can otherwise be beneficially used to reclaim clay mines in lieu of using virgin materials.

EPA should therefore clarify that the definition of "sand and gravel pit or quarry" does not include clay mines and that owners/operators of such sites be provided the opportunity, as is the case with other CCR beneficial use structural fill activities, to demonstrate that the use of CCR to reclaim such sites meets the CCR rule's beneficial use criteria.

10. State-Approved Liner Systems: In promulgating the CCR rule, EPA established liner design criteria that failed to include liner systems that state regulatory bodies have found to be acceptable for CCR units. This means, for example, some CCR units that

¹⁶ See 80 Fed. Reg. at 21353.

are considered to be “lined” under applicable state CCR requirements are nonetheless classified as “unlined” under the CCR rule, subjecting those CCR units to extremely burdensome requirements not imposed on lined units and, in some circumstances, including mandatory closure requirements.¹⁷ Given that the WIIN Act now allows the CCR rule to be imposed through enforceable state permit programs, this disregard for acceptable state liner requirements is at odds with the Administration’s principles of federalism. Therefore, EPA should modify the rule at 40 C.F.R. § 257.71 to allow for a determination that a CCR unit with an existing state-approved liner system qualifies as a lined CCR unit under the rule.

11. Definition of Beneficial Use: In promulgating the definition of “beneficial use” at 40 C.F.R. § 257.3, EPA mistakenly relied on a mathematical error in calculating the volume of CCR beneficially used in an unencapsulated manner that triggers the need to make an environmental safety demonstration. While the rulemaking record shows that the volume threshold triggering this requirement should have been 75,000 tons, EPA mistakenly calculated the number to be 12,400 tons. The Agency’s refusal to correct this figure despite its awareness of the error unnecessarily burdens power companies attempting to beneficially use CCR. EPA should therefore amend the definition of “beneficial use of CCR” at 40 C.F.R. § 257.53 such that the fourth condition applies only to unencapsulated uses exceeding 75,000 tons of CCR.¹⁸
12. Aquifer Location Restrictions as Applied to Existing Impoundments: In the final Rule, EPA subjected all existing impoundments to a location restriction requiring that the base of the unit be five feet above the uppermost aquifer. *See* 40 C.F.R. § 257.60(a).¹⁹ Failure to meet this requirement mandates closure of the unit. Because this mandatory closure requirement does not allow for the consideration of site-specific considerations, this requirement should be modified to provide the permitting authority with the ability to provide an alternative compliance option other than mandatory unit closure.

B. Federal CERCLA Financial Responsibility Standards

Another rulemaking with potentially severe impacts on our industry in the ORCR within OLEM is the pending rulemaking to establish and impose financial assurance standards pursuant to CERCLA § 108(b) on the electric power generation, transmission and distribution industry.²⁰ EPA’s rulemaking is intended to protect the federal government from having to pay for cleanups caused by an insolvent company. The Agency insisted on moving forward with the regulatory

¹⁷ *See id.* at 21370 (finding that the State of Florida’s criteria for a liner system does not qualify as a “liner” under the federal CCR rule).

¹⁸ This issue also is the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

¹⁹ This issue also is part of the CCR litigation. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

²⁰ 82 Fed. Reg. 3512 (Jan. 11, 2017).

process to determine whether to impose these requirements on the electric utility industry (along with the chemical manufacturing and petroleum and coal products manufacturing industries) even though USWAG and others submitted comments on an earlier Advance Notice of Proposed Rulemaking (“ANPRM”) indicating that utilities pose little to no risk of defaulting on their financial responsibilities due to the nature of their business.

Electric utilities are stable companies, have strong balance sheets, an extremely low rate of insolvency and have not historically shifted cleanup costs to federal or state programs. The utility industry does not have a history of failing to cover remediation costs, health assessments and natural resource damages. As such, the risk that the federal government would need to cover costs associated with the release of hazardous substances at utilities facilities is extremely low.

The imposition of financial assurance requirements on electric utilities would force utilities to spend unnecessary funds, impeding job creation, limiting growth and increasing costs to customers. Additionally, the costs of these regulations will far exceed their benefits; utilities will in all likelihood be forced to pay significant funds for financial responsibility instruments which will far exceed any nominal benefit that this extra protection will provide. EPA should determine that a rulemaking establishing CERCLA financial assurance obligations for the electric utility industry is unnecessary and indicate that it will not impose these requirements on the electric utility industry.

C. Revisions to RCRA Hazardous Waste Generator Requirements

A final rule that imposed numerous stringent changes to a federal regulatory program of broad applicability without commensurate improvements in environmental safety is the hazardous waste generator improvements final rule that also originated in OLEM’s ORCR.²¹ One of the most problematic aspects of the final rule is that in the preamble of the rule EPA “clarified” that states were not permitted to provide relief for the consolidation of hazardous wastes from remote or unstaffed sites. EPA provided a limited form of relief for this type of consolidation in the final rule and maintained that state programs that had provided other types of commonsense relief for the same concerns were not permitted under the hazardous waste regulations.²² Specific states have already provided relief allowing the consolidation of unknown wastes by postponing hazardous waste determinations until waste is received at a staffed facility or authorizing the direct transfer of hazardous waste to central locations. A similar problem exists in the preamble discussion of episodic waste generation where EPA suggests that the relief the rule offers is the only relief available for episodic generation events. The discussion ignores the fact that some states have used their enforcement discretion to not penalize those facilities that are out of compliance due to abnormal hazardous waste generation patterns. In both these instances state programs have provided a functional, pragmatic approach that is as environmentally protective as any other regulatory option. EPA’s failure to

²¹ 81 Fed. Reg. 85732 (Nov. 28, 2016).

²² *Id.* at 85776.

acknowledge these alternative approaches necessarily undermines RCRA-delegated states and their role as the primary regulator for facilities located within their jurisdictions.

While the statements made in the final rule relating to the consolidation of hazardous waste and the limited relief offered for episodic waste generation, the final rule also contains dozens of other revisions that make a mature regulatory program more stringent without providing environmental benefit. These revisions including imposing (i) onerous re-notification requirements, (ii) drastically increasing the penalties associated with generator compliance, and (iii) expanding and unnecessarily making the preparedness, prevention and emergency response procedures that apply to small and large quantity generators more stringent. EPA should withdraw interpretations in the final rule that eliminate state discretion and should withdraw those components of the rule that make the already functional RCRA program more stringent.

Another issue not included in the recent hazardous waste generator improvements final rule but that directly impacts hazardous waste generators is the unduly limited nature of the trivalent chromium exemption. This is the exemption at 40 C.F.R. § 261.4(b)(6)(i) for potentially hazardous wastes that meet the toxicity characteristic for chromium. The exemption allows specific wastes that contain chromium that is exclusively (or nearly exclusively) trivalent chromium (and meet other specific conditions) to be exempt from hazardous waste regulation. Unfortunately, this exemption is limited to only a few specific waste streams and generators of other wastes including utility boiler chemical cleaning wastes are required to submit a petition to their RCRA regulator in order to obtain the same relief for the same type of chromium. EPA should expand the trivalent chromium exclusion to cover all waste streams that meet the conditions of the exemption.

D. Federal Standards for the Aboveground Storage of Hazardous Substances

Another pending rulemaking originating in EPA's OLEM but within its OEM is the development of regulations to cover the aboveground storage of hazardous substances. While the Agency has provided very few details about how it will proceed with this rulemaking, we are concerned that the developed regulations will be largely redundant and/or inconsistent with the many varieties of state regulatory programs that already effectively protect releases and discharges from the same types of facilities and substances that the federal program will eventually cover. We are also concerned that the upcoming federal regulations will be unnecessarily proscriptive and not allow for performance-based controls that facility owners/operators will be able to tailor to the unique characteristics of their facilities. Duplicative, inconsistent or proscriptive regulations could inhibit job creation, be unnecessary, or have costs that exceed their expected benefits for facilities subject to these pending federal rules.

E. Federal PCB Regulations

Over the course of the past four decades, USWAG has engaged with EPA on the development, implementation, and enforcement of the federal regulations applicable to the use

and disposal of polychlorinated biphenyls (“PCBs”). This work has included commenting over the years on EPA requests for public input in connection with the Agency’s periodic retrospective review of rules that may be “outmoded, ineffective, insufficient, or excessively burdensome.”²³ In response to such a request in 2015, USWAG submitted written comments identifying several provisions that continue to impose unnecessary administrative and financial burdens on the regulated community far in excess of any environmental benefit. USWAG incorporates those 2015 comments (attached hereto as “Attachment A”) by reference herein, and addresses certain of these issues in greater detail below.

Note that all of the PCB-focused regulatory provisions discussed below involve the disposal of PCBs, falling under the purview of ORCR and therefore requiring consideration by OLEM. In some cases as noted below, these issues also relate to the use of PCBs, overseen by OPPT, and therefore warrant consideration by OCSPP and/or coordination between OLEM and OCSPP.

1. Disposal of PCB Remediation Wastes: EPA has found that PCB remediation wastes found at concentrations of < 50 ppm PCB can be disposed of in non-TSCA landfills, including MSWLFs, without presenting an unreasonable risk of injury to health or the environment. The federal PCB disposal regulations, when considered as a whole, implicitly acknowledge and allow for this.²⁴ However, over the years the Agency has developed policy that restricts the option to dispose of as-found < 50 ppm PCB remediation waste in a non-TSCA landfill—an option that is not only cost effective but which the Agency has found to present no unreasonable risk²⁵—to as-found < 50 ppm PCB remediation wastes generated under a particular PCB cleanup option (the “self-implementing clean-up option,” 40 C.F.R. § 761.61(a)). That flawed policy illogically requires *identical* < 50 ppm PCB remediation wastes to be disposed of in TSCA landfills, at far greater expense and frequently involving long-distance transport of the PCB remediation wastes, if those wastes are generated under other cleanup options. This disparity in the treatment of different categories of < 50 ppm PCB remediation wastes has no basis in TSCA or the PCB regulations, nor from an environmental or health risk perspective. Nonetheless, compliance with this policy imposes significant and wholly unnecessary costs on the regulated community and can complicate and extend cleanup efforts.

In light of conflicting EPA policy and in order to provide USWAG members some level of regulatory certainty, and at EPA’s suggestion, USWAG applied in 2012 for a risk-based disposal approval expressly authorizing the disposal of certain non-liquid

²³ 80 Fed. Reg. 12372 (Mar. 9, 2015); Docket ID No. EPA-HQ-OA-2011-0156.

²⁴ See 40 C.F.R. § 761.50(b)(3) (“PCB remediation waste ... is regulated for cleanup and disposal in accordance with § 761.61”); § 761.61 (“Any person cleaning up and disposing of PCBs under this section shall do so based on the concentration at which PCBs are found”).

²⁵ See 68 Fed. Reg. 4934, 4937 (Jan. 31, 2003) (acknowledging that < 50 ppm PCB remediation waste “has little inherent potential to pose an unreasonable risk to health or the environment”).

PCB remediation wastes found at concentrations below 50 ppm in MSWLFs and other non-TSCA facilities. The final approval document,²⁶ issued to USWAG members in June 2014 pursuant to 40 C.F.R. § 761.61(c), is based on EPA's finding that such disposal presents no unreasonable risk to health or the environment. EPA has issued a similar risk-based disposal approval expressly authorizing the disposal of certain as-found < 50 ppm PCB remediation waste to members of the National Rural Electric Cooperative Association ("NRECA").²⁷ While these approvals have provided members of USWAG and NRECA with some level of comfort in the absence of clarified Agency policy or regulations, the approvals are limited in scope and, in many cases, the problematic policy EPA has articulated in the past still imposes disparate disposal standards on different categories of waste that are identical in terms of PCB content and from a risk perspective.

EPA should therefore clarify the PCB disposal regulations at 40 C.F.R. §§ 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of < 50 ppm PCB in non-TSCA landfills. This clarification should make clear that this non-TSCA disposal option applies equally to PCB remediation wastes generated under the PCB Spill Cleanup Policy as well as PCB remediation wastes generated under the PCB spill cleanup options at 40 C.F.R. § 761.61. This modification would also require the revision of EPA's PCB Question and Answer manual to revise or remove responses that are based on flawed policy regarding the disposal of as-found < 50 ppm PCB remediation waste.²⁸

2. Analysis of PCB Remediation Wastes: EPA's PCB disposal regulations specify particular analytical methods that must be employed when extracting samples of PCB wastes for purposes of determining appropriate disposal options and cleanup verification. In particular, the regulations specify the use of a traditional soxhlet extraction procedure (Method 3540) rather than the equally effective, significantly faster and much more cost-effective automated soxhlet extraction method (Method 3541). EPA's own labs acknowledge the advantages of Method 3541, and Method 3541 is routinely used by EPA in other contexts including Superfund cleanups. There is no scientific, environmental, or risk-based rationale for not allowing the regulated community to use the automated soxhlet extraction method to analyze PCB content under the federal PCB program. Accordingly, EPA should modify the PCB analytical rules throughout 40 C.F.R. Part 761 and including 40 C.F.R. §§ 761.61(a)(5)(B)(iv), 761.253, 761.272, 761.292, 761.358 and 761.395 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently Method 3541).

²⁶ Available online at <https://www.epa.gov/pcbs/nationwide-risk-based-pcb-remediation-waste-disposal-approvals-under-title-40-code-federal> (current as of May 8, 2017).

²⁷ *Id.*

²⁸ See EPA PCB Question and Answer Manual (June 2014) at 48.

3. Satellite Accumulation of PCBs: There is a need to amend EPA's PCB regulations to accommodate the on-site accumulation of small amounts of PCB wastes to facilitate the cost-effective management and off-site disposal of these materials. EPA provides this waste management option under the federal hazardous waste program (referred to as "satellite accumulation"), but the Agency has never promulgated a similar common sense accumulation provision under the federal PCB program. The absence of this regulatory option imposes unnecessary costs and operating challenges for the accumulation of small amounts of PCB waste. Therefore, EPA should amend 40 C.F.R. § 761.65 to include a "satellite accumulation" provision patterned after the provision in RCRA's hazardous waste rules that allows for streamlined management of small amounts of PCBs stored for disposal.
4. Amendments to PCB Regulations Applicable to Natural Gas Pipelines (for consideration by OLEM (ORCR) and OCSPP (OPPT)): EPA's PCB rules regulate the presence of PCBs in natural gas pipeline systems, including requiring owners/operators to identify any "potential source" of PCBs in the system.²⁹ The term "source" of PCBs has long been erroneously and unnecessarily applied to certain types of natural gas equipment. The regulations also impose conditions for characterizing and then controlling the "abandonment" of pipeline systems at the end of their useful lives.³⁰ These use and abandonment requirements can be extremely burdensome and impractical. Moreover, they are unnecessary when the owner/operator of the pipeline system can otherwise demonstrate that the pipeline system does not contain PCBs. Currently, however, there is no clear method within the regulations for owners/operators to make such a demonstration and bypass the unwarranted use and abandonment requirements.

EPA should therefore modify the regulations for PCBs in natural gas pipeline systems at 40 C.F.R. §§ 761.30(i) & 761.60(b)(5) to establish a method for owners/operators to demonstrate that the pipeline system does not contain PCBs at regulated levels and to thereafter be excluded from the use and abandonment/disposal requirements for PCBs in natural gas pipelines. In addition, EPA should clarify and limit the scope of the term "potential sources" at 40 C.F.R. § 761.30(i) to eliminate the unnecessary evaluation of components of pipeline systems that do not serve as potential sources of PCBs into the system. Note that, because these issues arise under both the PCB use regulations (administered by OCSPP's OPPT) and the PCB disposal regulations (administered by OLEM's ORCR), these issues require coordination between OLEM and OCSPP.

5. Allow PCB Bulk Product Waste or PCB Bulk Remediation Waste for Storage up to 180 days in a Container: To facilitate the remediation of PCB-contaminated sites, EPA's current PCB regulations at 40 C.F.R. § 761.65(c)(9) allow for the on-site

²⁹ See 40 C.F.R. § 761.30(i)(1)(iii)(A).

³⁰ See *id.* at § 761.60(b)(5).

storage of PCB bulk remediation wastes or PCB bulk product wastes for up to 180 days if the waste is managed in piles meeting specified performance standards. However, a significant shortcoming in this regulation is that the management option is limited exclusively to the storage of PCB wastes in a “pile,” and does not include any other type of unit. As a practical matter, facilities can more readily manage PCB bulk remediation wastes or PCB bulk product wastes (such as dirt and debris, coal tar wrap, or components of pipe removed during natural gas pipeline construction activities) in roll-offs and other similar containers. Management of PCB bulk remediation wastes or PCB bulk product wastes in these types of containers is common in the utility industry and, in fact, allows for more secure management with far less potential for releases to the environment. The Agency’s unfortunate interpretation of the 180-day storage provision, restricting the availability of this regulatory option to wastes managed in a pile, significantly undermines the utility of this provision and has no basis from a risk perspective. While USWAG members have succeeded in securing individual risk-based storage approvals to store PCB remediation wastes such as contaminated pipe in roll-offs for 180 days, such approval is applied for and granted on a case-by-case and/or company-by-company basis—representing a waste of both company and administrative resources. EPA should correct this deficiency in the rule by amending 40 C.F.R. § 761.65(c)(9) to include the storage of PCB bulk remediation wastes and PCB bulk product wastes in “PCB Containers,” as that term is defined in 40 C.F.R. § 761.3.

In addition, there are circumstances where the most practical and environmentally sound option for managing bulk PCB remediation wastes or PCB bulk product wastes generated in the field is to bring the materials back to a company-owned site (that is, not the site of generation) for storage prior to off-site disposal in a qualified TSCA disposal facility. The current regulations (at § 761.65(c)(1)) allow for temporary storage of such materials for only thirty days. This is often insufficient time to allow for the cost-effective storage of PCB bulk remediation wastes or PCB bulk product wastes prior to off-site disposal. This is true, for example, in cases where utilities conduct pipeline related-operations where coal tar wrap or segments of pipe are removed. In fact, EPA Region 2 has recognized the appropriateness of extended storage of these materials, leading it to issue a risk-based disposal approval under 40 C.F.R. § 761.62(c) allowing a USWAG member to store coal tar wrap at a service center for up to 180 days. The approval reflects EPA’s conclusion that, provided certain conditions are met, such storage will not pose an unreasonable risk of injury to health or the environment. Because the storage of PCB bulk remediation wastes and PCB bulk product wastes at a site other than the point of generation for greater lengths of time (*i.e.*, up to 180 days) will not present an unreasonable risk of injury to health or the environment, USWAG recommends that EPA amend its storage for disposal regulations at 40 C.F.R. § 761.65 to expressly authorize such storage.

II. OAR Regulations Warranting Repeal, Replacement or Modification

A final rule developed several years ago warranting immediate modification and/or clarification is EPA's final rule establishing operational and emission controls for units identified as commercial and industrial solid waste incineration ("CISWI") units.³¹ The rule establishes standards for CISWI units which are identified by statute as those units that "combust[] any solid waste."³² USWAG has long maintained that several types of materials have been historically introduced into utility boilers, including boiler cleaning waste and refined coal, as a practical way to manage material without increasing emissions and to reduce the emissions of certain contaminants, respectively. Due to the nature of this material, boiler cleaning waste and refined coal are not being combusted as EPA has defined combustion in other contexts³³ and therefore should not trigger CISWI regulation. USWAG sought confirmation on this point through the CISWI rulemaking, and EPA responded to this comment by requesting that we submit this issue directly to the Agency outside the scope of the rulemaking.³⁴ Accordingly, USWAG submitted a request for an interpretation on these materials on November 4, 2013. EPA has not yet provided a response to this request.

The evaporation of boiler cleaning waste in utility boilers is a practical, cost-effective method for managing materials that are mostly or entirely water-based. Requiring shipments of what can be over a million gallons of this material increases transportation costs and emissions as well as costs associated with more expensive and inefficient downstream management. These inefficiencies inhibit growth for our industry and imposes costs far exceeding benefits. The use of refined coal whereby inorganic materials are added to coal to reduce the resulting air emissions of burning coal provides tremendous benefit given the significant reduction in air emissions from this operation. EPA's failure to provide guidance exempting these practices from CISWI regulation is particularly egregious given that Congress, recognizing the need to provide policy support for the use of refined coal, provides a tax credit for these operations.³⁵ The Agency should respond to our nearly three-and-a-half-year-old request for an interpretation by clarifying that boiler cleaning waste and refined coal do not trigger CISWI regulation when introduced into utility boilers.

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³¹ 78 Fed. Reg. 9112 (Feb. 7, 2013).

³² 42 U.S.C. § 7429(g)(1).

³³ See Keith Barnett, EPA Environmental Engineer, Combustion in A Cement Kiln and Cement Kilns' Use of Tires as Fuel, EPA-HQ-OAR-2002-0051-3582 (April 25, 2011).

³⁴ See Summary of Public Comments and Responses for Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; Non-Hazardous Secondary Materials That Are Solid Waste, EPA-HQ-OAR-2003-0119-2686, at 320-321.

³⁵ 26 U.S.C. §§ 45(c)(7)&(e)(8).

Samantha Dravis
US EPA
Page 15 of 15

USWAG appreciates the opportunity to submit comments on the implementation of EO 13777. If you have questions regarding the above comments, please contact me or USWAG counsel Douglas Green (202-344-4483) at Venable LLP.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Roewer", with a large circular flourish on the left side.

James Roewer
Executive Director
Utility Solid Waste Activities Group

Samantha Dravis
US EPA

Attachment A

April 8, 2015

VIA ELECTRONIC DELIVERY AT WWW.REGULATIONS.GOV

Office of Policy
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
Attn: Docket ID No. EPA-HQ-OA-2011-0156

Re: Comments on Improving EPA Regulations;
Docket ID No. EPA-HQ-ORD-2011-0391;
80 Fed. Reg. 12372 (March 9, 2015)

To whom it may concern:

The Utility Solid Waste Activities Group (“USWAG”) submits these comments to the Environmental Protection Agency (“EPA” or the “Agency”) in response to EPA’s request for public input on the Agency’s periodic retrospective review of its regulations. 80 Fed. Reg. 12372 (Mar. 9, 2015). USWAG appreciates EPA’s effort to undertake a retrospective analysis of rules that may be “outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with what has been learned,” in keeping with Executive Orders 13563 and 13610. *Id.* These comments identify certain regulations that EPA has established for polychlorinated biphenyls (“PCBs”) under 40 C.F.R. Part 761 that warrant review as part of this effort.

USWAG, formed in 1978, is a consortium of approximately 130 electric utilities, power producers, utility operating companies, and utility service companies located throughout the country, including the Edison Electric Institute (“EEI”), the American Gas Association (“AGA”), the American Public Power Association (“APPA”), and the National Rural Electric Cooperative Association (“NRECA”).¹ Together, USWAG members represent more than 73% of the total

¹ EEI is the principal national association of investor-owned electric power and light companies. AGA is the principal national association of investor-owned natural gas utilities. APPA is the national association of publicly-owned electric utilities. NRECA is the national association of rural electric cooperatives. Throughout these comments, we refer to our industry as the “utility” or “electric utility” industry. This term is intended to include those portions of the industry and those USWAG members that generate electricity but do not directly provide electricity to the public and are technically not “utilities.”

electric generating capacity of the United States, and service more than 95% of the nation's consumers of electricity and 92% of the nation's consumers of natural gas.

For the past three and a half decades, USWAG has worked with EPA on the development and implementation of the federal PCB regulations applicable to electric and gas company operations. USWAG has raised each of the issues discussed below with EPA on prior occasions and in other contexts; we appreciate the opportunity to comment on these regulations once more in the context of EPA's efforts to review and improve its existing regulations in order to address regulations that may be outdated, inefficient, duplicative, or overly burdensome.

These comments address the following PCB regulatory issues:

- Need for inclusion in regulatory text of all PCB extraction methods approved for use in EPA Method 8082 in connection with PCB gas chromatography analysis;
- PCB waste storage issues arising under § 761.65;
- Need for a regulatory avenue for the deregistration of PCB Transformers from the PCB Transformer Registration Database under § 761.30;
- Batch testing authorizations under § 761.60(g); and
- Need for regulatory relief options for PCB cleanups during and following natural disasters.

These issues are discussed in detail below.

* * * * *

1. Inclusion of EPA SW-846 Method 8082-Approved PCB Extraction Methods in PCB Regulations

EPA's PCB regulations in several places require the use of specific PCB extraction methods for chemical analysis, including EPA Method 3500B/3540C, "or methods validated under subpart Q" of the PCB regulations. See, e.g., 40 C.F.R. § 761.61(a)(5)(i)(B)(iv); 40 C.F.R. § 761.253(a); 40 C.F.R. § 761.272; 40 C.F.R. § 761.292; 40 C.F.R. § 761.358; and 40 C.F.R. § 761.395(b)(1). As currently written, validation of any non-enumerated extraction method – including methods that EPA has approved for PCB extraction in other contexts – under subpart Q requires a comparison study be conducted as prescribed in 40 C.F.R. § 761.326. This time-consuming (requiring 60-day notice to EPA; see 40 C.F.R. § 761.320, 40 C.F.R. § 761.81(i)(1)) and potentially resource-intensive effort is wholly unnecessary for those methods that EPA has already approved for use in other PCB extraction contexts (e.g., Method 3541, automated Soxhlet extraction method).

Each of the regulatory provisions cited above references EPA Method 8082, "Polychlorinated Biphenyls (PCBs) by Capillary Column Gas Chromatography" of SW-846 ("Method 8082"), as a method for gas chromatography ("GC") analysis of PCBs.² Method 8082, in turn, provides at section 2.1.2 that "[s]olid samples may be extracted with hexane-acetone (1:1) or methylene chloride-acetone (1:1) using Method 3540 (Soxhlet), Method 3541 (automated Soxhlet), Method 3545 (pressurized fluid extraction, Method 3546 (microwave extraction), Method 3550 (ultrasonic extraction), Method 3562 (supercritical fluid extraction), or other appropriate technique or solvents." Therefore, EPA regulations requiring the use of GC for PCB analysis *already allow* for the use of the methods enumerated in Method 8082 (though not expressly called out in the text of the regulations themselves) in connection with these chemical analyses.

However, as currently written, the regulatory text addressing chemical extraction methods suggests that any extraction methods other than Method 3500B/3540C may only be used after a subpart Q comparison study has been conducted. The result is the waste of time and resources, both on the part of the party undertaking the comparison study and the Agency in reviewing the petition required under subpart Q. This is especially true given that EPA has already evaluated and approved the methods enumerated in Method 8082 as appropriate for PCB extraction in connection with PCB GC analysis.

EPA should therefore amend the existing regulatory text to expressly include among available extraction methods "any extraction method allowed under Method 8082 from SW-846, as that method may be revised." This approach will not only provide clarity under the existing regulatory structure but will also allow for adaptability as other methods may be added to Method 8082 going forward.

In the alternative and at a minimum, if EPA is for some reason unwilling to make this change, EPA should modify each reference to chemical extraction cited above to expressly allow for the use of Method 3541, automated Soxhlet extraction, in connection with GC analysis for purposes of disposal. EPA has acknowledged the comparable effectiveness and increased speed of this method relative to other analytical methods, stating in the summary document for Method 3541 that "[t]he method uses a commercially available, unique, three stage extraction system to achieve analyte recovery comparable to Method 3540, but in a much shorter time," and that "[i]t has been statistically evaluated at 5 and 50 µg/g of Arochlors 1254 and 1260, and found to be equivalent to Method 3540 (Soxhlet Extraction)." EPA, "Method 3541: Automated Soxhlet Extraction,"

² Note that the most current version of Method 8082 is Method 8082A (Feb. 2007); references in these comments to Method 8082 include Method 8082A and any subsequent revisions of this method.

summary document at Section 1.1.³ In another context – approving a petition by the Oak Ridge National Laboratory requesting the use of the SOXTEC extraction system (Method 3541) in place of the conventional Method 3540 for the preparation of PCB samples – EPA stated that “these preparative techniques [Method 3541 and Method 3540] are equivalent, within allowable standard deviation limits,” adding that Method 3541 “actually proved to be the superior technique when time constraints were considered, taking only 2 hours for sample preparation vs. 17 hours for [Method 3540].” See EPA Letter from D. Friedman, Chief, OSW-Methods Sections, to U.S. EPA Region IV, RCRA Online No. 13187 (May 31, 1988).

If EPA is unwilling to amend all of the regulatory references to PCB extraction methods to include Method 8082-approved methods, the Agency should at a minimum expressly allow the use of Method 3541 (or the most current version of that method) as an available alternative to Methods 3500B/M3540C.

2. PCB Waste Storage Issues (40 C.F.R. § 761.65)

A. Satellite Accumulation

EPA should develop a satellite accumulation provision for PCB wastes under 40 C.F.R. § 761.65 to allow for extended on-site storage of small volumes of PCB wastes, provided certain volume limitations (e.g., a 55-gallon drum) and storage and marking conditions are met. This would prevent the impractical, costly, and inefficient scenario created by the current rules, which require transport off-site of small volumes of PCB wastes (e.g., only two or three articles in a drum) simply because of the short storage for disposal time limits. Further, this approach to efficient waste accumulation has precedent in EPA's existing hazardous waste regulations.

Specifically, a PCB satellite accumulation rule could be patterned after the satellite accumulation provision in EPA's Resource Conservation and Recovery Act (“RCRA”) regulations. This RCRA provision allows a generator of hazardous waste to accumulate 55 gallons of hazardous waste at or near the point of generation where such wastes initially accumulate and where such activity is under the control of the generator. See 40 C.F.R. § 262.34(c)(1). Further, the RCRA provision requires that the storage containers be (1) in good condition and not leaking; (2) made of or lined with a material that is compatible with the waste so that the ability of the container to hold the waste is not impaired; (3) kept closed, except when it is necessary to add additional wastes to the container; and (4) marked with the words “hazardous waste” (in the PCB context, the container could be marked with the ML label or the words “PCB Waste”). See *id.* A PCB

³ Available online at <http://www.epa.gov/sam/pdfs/EPA-3541.pdf>.

satellite accumulation rule modeled after RCRA's satellite accumulation rule would allow for far more efficient management of PCB waste while remaining protective of human health and the environment.

B. Storage of PCB Bulk Product and Bulk Remediation Wastes

Under the current regulations, qualified PCB wastes may be stored at the clean-up site or site of generation in a pile for up to 180 days, provided the waste meets certain conditions, including wind dispersion controls and liner requirements to prevent runoff and migration from the waste. 40 C.F.R. § 761.65(c)(9). On its face, the regulatory text refers to a "pile" and, as a result, EPA guidance suggests that the management of qualifying PCB wastes in a roll-off or any other type of container is automatically precluded from qualifying for this management option. This has been the case even where such units meet or exceed the performance-based standards referenced above. See EPA 2014 PCB Q and A Manual at 114-15. There is no risk-based justification for a blanket prohibition on PCB wastes stored in roll-offs or other types of containers qualifying for this management option, provided of course that the regulation's performance-based standards are met.

Therefore, USWAG recommends that EPA clarify in the regulatory text or in interpretive guidance that the rule is intended to encompass roll-offs, containers, and similar devices meeting the performance standards set forth in 40 C.F.R. § 761.65(c)(9). Alternatively, USWAG recommends that EPA amend the regulatory text to specifically reference such units.

In addition, USWAG urges EPA to extend the 180-day accumulation provision to scenarios where isolated pieces of electrical equipment from off-site, intra-company sources are consolidated at a central collection facility meeting the performance standards in 40 C.F.R. § 761.65(c)(9). EPA should also amend the regulations to allow for 180-day storage in drums and roll-offs of PCB bulk product and remediation wastes generated off-site by intra-company sources. This would allow for the efficient consolidation of isolated PCB-containing electrical equipment in the field while further promoting PCB reduction efforts.

C. Storage of Non-Liquid PCB Wastes

The secondary containment and berm requirements set forth at 40 C.F.R. § 761.65(b)(1) for the storage of PCB wastes are presumably designed to prevent the release of PCB *liquid* wastes from storage areas. However, non-liquid PCB wastes, such as bulk PCB remediation wastes and PCB bulk product wastes, do not present the same run-off concerns as PCB liquid wastes and therefore do not necessitate the secondary containment controls built into the current regulations. EPA should amend 40 C.F.R. § 761.65(b)(1) to expressly provide that the

secondary containment and berm requirements do not apply to non-liquid PCB wastes. This would facilitate establishment of more cost-efficient storage areas that would, in turn, encourage non-liquid PCB waste cleanup and remediation.

D. Clarification of Thirty-Day Temporary Storage Provision for PCB Wastes

The existing regulatory provision regarding 30-day temporary storage for PCB wastes (40 C.F.R. § 761.65(c)(1)) is in need of clarification to make plain that the provision's requirement to prepare an SPCC plan for containers holding liquid PCBs at ≥ 50 ppm applies *only* if such a plan would otherwise be required under the applicable SPCC regulations (*e.g.*, the SPCC threshold volumes are exceeded and releases from the facility could reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines). In the context of other storage for disposal practices, EPA has used explicit language to indicate that the preparation and implementation of an SPCC plan is required. See 40 C.F.R. § 761.65(c)(7)(ii). In contrast, the regulatory language in 40 C.F.R. § 761.65(c)(1) directs that an owner/operator of a temporary 30-day storage unit shall prepare an SPCC plan "in accordance" with the SPCC regulations, meaning that the requirements attach *only* when the threshold and location criteria triggering an SPCC plan have been met.

Unfortunately, the regulatory language referenced above ("in accordance with") has created persistent confusion on this issue. Clarification is necessary to increase regulatory certainty and to relieve the regulated community of the inordinate resource burden associated with designing an SPCC program for 30-day temporary storage locations in circumstances that simply do not warrant these types of controls. There is no risk-based or practical reason to apply SPCC protections to the storage of small volumes of PCB wastes that pose no risk to navigable waters of the United States and that would not otherwise trigger the SPCC controls – and so there is no risk-based or practical reason to withhold clarification of the regulatory language that has created regulatory uncertainty. Even if, for some reason, EPA does construe this regulatory language as mandating the creation of an SPCC plan for the 30-day temporary storage of PCB liquids when an SPCC plan would not otherwise be required, then EPA should amend the regulations to explicitly state that such plans are *only* required when the SPCC threshold volume and location criteria are met.

3. Creation of Regulatory Avenue for Deregistration of PCB Transformers from PCB Transformer Registration Database (40 C.F.R. § 761.30)

USWAG has been working with EPA for several years to improve both the accuracy and the clarity of the Agency's PCB Transformer Registration Database. While EPA has undertaken efforts to correct inaccurate records in the Database,

the lack of a regulatory avenue for *deregistration* of PCB Transformers results in unnecessary administrative burden as well as a misleading Database.

To resolve this confusion, we suggest that EPA establish a procedure under 40 C.F.R. § 761.30(a)(1)(vi) to ensure removal from the PCB Transformer Database, at the owner's request, of PCB Transformers removed from service for disposal or reclassified to non-PCB Transformer status. This regulatory avenue for deregistration should be optional, at the election of the PCB Transformer owner, but should require EPA to remove from the PCB Transformer Database all PCB Transformers for which a deregistration request is properly made. This will reduce confusion regarding the current universe of PCB Transformers and make the PCB Transformer Database a more useful tool for regulators, legislators, local response agencies, and the public.

4. Modification of Batch Testing Authorization (40 C.F.R. § 761.60(g))

Also in need of amendment are the batch testing rules set forth at 40 C.F.R. § 761.60(g). These rules require updating to reflect the assumptions incorporated in 40 C.F.R. 40 C.F.R. § 761.2 in the 1998 disposal amendments. Specifically, 40 C.F.R. § 761.60(g) needs to be amended to allow for batch testing of mineral oil from equipment identified in the 1998 disposal amendments as non-PCB (*i.e.*, post-1979 electrical equipment, small transformers, and rectifiers) with mineral oil from equipment that was previously presumed to be non-PCB (*i.e.*, circuit breakers, reclosers, and oil-filled cable).

This change could be accomplished by modifying the last sentence in 40 C.F.R. § 761.60(g)(1)(i) to read, in relevant part: "If dielectric fluid from untested, oil-filled circuit breakers, reclosers, cable, electrical equipment manufactured after July 2, 1979, transformers with less than three pounds of fluid, or rectifiers is collected in a common container with dielectric fluid from other oil-filled electrical equipment, the entire contents of the container ..." This revision would update the batch testing rules so that they conform with the 1998 disposal amendments, and would serve to eliminate unnecessary confusion.

5. Provision for PCB Regulatory Relief During Natural Disasters

Ten years ago, in the wake of the devastation wrought by Hurricane Katrina, USWAG worked with EPA to identify ways to provide regulatory relief for PCB cleanups in other circumstances involving natural disasters. In response, EPA issued enforcement discretion guidance (Attachment A) that outlined risk-based relief in the form of cleanup and disposal standards for damaged electrical equipment and related spills resulting from either Hurricane Katrina or Hurricane Rita. This guidance was critical because, as EPA correctly recognized, the traditional method for obtaining such relief – namely, through a risk-based

variance request under 40 C.F.R. § 761.61(c) – would not be practical from a timing or administrative resources perspective in times of natural disasters, where immediate action is required.

While this relief proved helpful to USWAG members responding to those particular hurricanes, it was limited in scope and duration, expiring at the end of 2005 and applying only to events caused by those storms. More recent disasters such as severe snow, ice, and wind storms throughout the country, hurricanes in the Gulf region, and wildfires on the west coast have made clear that the type of emergency situation necessitating prompt and straightforward regulatory relief for facilities attempting post-storm cleanups is bound to recur year after year. As requested in 2008 (Attachment B) and reiterated in comments to this docket in 2011, USWAG urges EPA to develop guidance similar to the temporary relief issued in 2005, but broader in scope and available for use during and immediately after any natural disaster meeting specified conditions, without prior notice or approval from EPA. This would remove significant barriers to the timely and cost-effective restoration of power following severe natural weather events.

* * * * *

USWAG appreciates the opportunity to provide input as EPA pursues this important effort. Please contact USWAG counsel Allison Foley (202-344-4416) or Douglas Green (202-344-4483) at Venable LLP with questions regarding these comments.

Respectfully submitted,



James R. Roewer
Executive Director

Attachment A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 09 2005

4AFT-TS

Mary E. Davis
American Electric Power
501 N. Allen Avenue
Shreveport, LA 71101

Dear Ms. Davis:

The enclosed guidance addresses cleanup of polychlorinated biphenyls (PCBs) spills from electrical equipment damaged by Hurricanes Katrina and Rita, and management of the damaged equipment. This guidance was developed based on input from your organization as well as from others who are engaged in cleanup and recovery efforts in the wake of the hurricanes.

We hope that you find this guidance useful. EPA recognizes the challenges faced by those engaged in hurricane-related cleanup and recovery efforts. We believe that this guidance addresses the needs of those dealing with damaged electrical equipment that may contain PCBs, and spills from such equipment. Based on the information we currently have, we do not believe that additional regulatory flexibility or emergency relief is needed.

Please feel free to share this guidance with utilities throughout the hurricane impacted areas. The guidance will remain in effect through the remainder of this calendar year.

Should you or any of your utility industry colleagues have questions about the enclosed guidance, please contact your Regional PCB coordinator. Contact information for the Regional PCB coordinators may be found at www.epa.gov/pch.

Sincerely,

A handwritten signature in black ink that reads "Jesse Baskerville".

Jesse Baskerville
Acting Director
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Lou Roberts, EPA Region 6
Maria Doa, OPPT

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Guidance for Addressing Spills from Electrical Equipment

EPA's is providing the following guidance for addressing spills from electrical equipment damaged by Hurricane Katrina or Hurricane Rita. Areas of primary federal concern include the proper disposal of electrical equipment containing PCBs (i.e., distribution transformers and capacitors). EPA recognizes that individuals, contractors or others involved in removing electrical equipment or utilities restoring electrical service in areas damaged by Hurricane Katrina or Hurricane Rita face difficult circumstances that may impede full compliance. However, in any event, you should take the actions set forth below to the extent feasible.

Efforts to restore the damaged areas to their pre-disaster condition often involve removing or repairing damaged electrical equipment. There may be a natural tendency at this stage to overlook certain hazards, such as those associated with PCBs, that are not immediately life threatening. However, such hazards are serious and may manifest themselves many years from the time of exposure and should be taken into consideration. Given the health hazards associated with PCBs, adequate measures should be taken during emergency situations to minimize exposure.

This guidance remains in effect through December 31, 2005, and applies only to damage and spills resulting from Hurricane Katrina and Hurricane Rita. The guidance in this document supersedes the PCB guidance in EPA's "DEMOLITION GUIDANCE FOR STRUCTURALLY UNSOUND BUILDINGS DAMAGED BY HURRICANE KATRINA."

To the extent feasible, efforts should be made to perform the following steps:

Identifying Downed Electrical Equipment Which May Contain PCBs

Caution! Downed electrical equipment including transformers may still be energized which could cause injury. De-energized capacitors and batteries may still contain a charge.

Downed electrical equipment may contain PCBs

- Generally, transformers that were mounted on utility poles are liquid filled and some may contain PCBs.
- Air cooled or dry type transformers do not contain PCBs.
- In the absence of identifying information, it is best to assume a transformer may contain PCBs. To screen transformers for the presence of PCBs, you can use a field screening test kit. A positive test indicates the potential presence of PCBs. A negative test indicates no presence of PCBs.
- The location of the downed equipment should be identified using e.g., GPS, some kind of visual marker along with a log book with descriptive locations, etc., because this will help you address future clean-up of any spill associated with the downed equipment.

Handling the Electrical Equipment

- If the electrical equipment is intact, it can be stored for reuse, preferably in a clean, dry area.

If the electrical equipment has a small leak that can be controlled so that no additional liquid leaks from the unit, it can be stored for repair and reuse after controlling the leak, preferably in a clean, dry area.

- Intact electrical equipment and equipment that has small leaks that have been controlled can then be shipped without a manifest to a repair facility for evaluation and repair.
- If the electrical equipment has significant leaks, any remaining liquid should be drained into a non-leaking container. If the field screening test kit indicates the liquid contains PCBs, the container should be labeled with the PCB M₁ as containing PCB liquids, and ultimately sent to a chemical or hazardous waste incinerator for disposal. The drained electrical equipment carcass should be disposed properly.

If containers with drained liquids must be stored temporarily, they should be placed on hard surface areas, such as a concrete or asphalt parking lot for no more than 90 days.

If the leaking electrical equipment cannot be drained, the electrical equipment should be placed in shipping containers, or covered roll-offs with a poly liner or sorbent material to prevent further spread of the spill, intermodal containers with a poly liner or sorbent material to prevent further spread of the spill, or other weather-tight containers.

If these containers must be stored temporarily, they should be placed on hard surface areas, such as a concrete or asphalt parking lot, for no more than 90 days.

- Electrical equipment from parties unable to manage their equipment may be consolidated at electrical utility-owned locations or other temporary storage or staging areas.

Handling the Spill

- Where possible, temporary measures should be implemented to prevent, treat, or contain further releases or mitigate migration to the environment of PCBs.
- Where possible, the location of the spill should be identified to determine if it correlates with downed equipment. Where possible, the boundaries of the spill area should be identified with paint or flags to facilitate future clean-up. Generally, after the equipment has been sent to the repair facility, the presence and concentration of PCBs in the

equipment is determined. This information can be used to address the spill. If the PCB concentration in the equipment was greater than 50 ppm, you should clean-up the spill.

- All soil with visible traces of the spill should be excavated and placed in weather-tight containers, such as a covered and lined roll-off or intermodal container.

If these containers must be stored temporarily, they should be placed on hard surface areas, such as a concrete or an asphalt parking lot for no more than 90 days.

- The excavated material should be disposed in a TSCA or hazardous waste landfill.
- If the spill is the result of an empty or leaking piece of equipment which has not been tested, some testing of the soil may be necessary to identify if PCBs are present. If PCBs are present in the excavated material, the waste should be sent to a TSCA or hazardous waste landfill.

For further information, please contact the EPA Regional PCB Coordinator for your area.



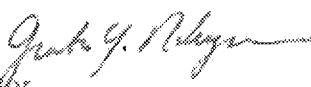
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 1 2005

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: OECA Concurrence on Guidance for Addressing Spills from Electrical Equipment

FROM: Granta Y. Nakayama 
Assistant Administrator

TO: Susan B. Hazen
Principal Deputy Assistant Administrator
Office of Prevention, Pesticides, and Toxics Substances

Thank you for taking the lead in addressing the evolving environmental issues associated with returning electrical service to areas of the Gulf Coast affected by Hurricane Katrina and Hurricane Rita. We have reviewed your supplemental guidance titled "Guidance for Addressing Spills from Electrical Equipment" and I concur with the issuance of the guidance.

The issuance and use of the guidance is clearly necessary to serve the public interest in this wide-spread emergency and no other mechanism can adequately address the situation within the stipulated timeframe. Therefore, I am also granting a no action assurance from the PCB regulations issued pursuant to Section 6(e) of the Toxic Substances Control Act for persons operating under the terms, conditions and limitations of the guidance. This exercise of enforcement discretion is effective immediately and will continue until midnight on December 31, 2005. Any person conducting operations under the guidance would need to be able to demonstrate the applicability of the guidance to their situation and that their actions are consistent with the terms and conditions of the guidance. Persons operating under this guidance also need to take any necessary actions to protect public health and safety.

If any questions arise concerning this exercise of enforcement discretion, they should be referred to Mr. Gerald Stubbs at (202) 564-4178.

Attachment B

Utility Solid Waste Activities Group
c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

USWAG

October 27, 2008

VIA ELECTRONIC AND CERTIFIED MAIL

Mr. Matthew Hale
Director, Office of Solid Waste
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code: 5301P
Washington, DC 20460

RE: PCB Regulatory Relief During Natural Disasters

Dear Mr. Hale:

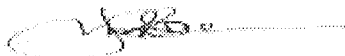
During your visit with the USWAG PCB Committee in April, we discussed the need for the development of guidance that would provide practical PCB regulatory relief in times of natural disasters. Three years ago, in the wake of the devastation wrought by Hurricane Katrina, USWAG worked with EPA to identify ways to provide similar relief for PCB cleanups in other circumstances involving natural disasters. At the time, we sought relief in the form of risk-based guidance that provided streamlined PCB sampling and storage options that would become effective during a range of natural disasters including, but not limited to, hurricanes, tornadoes, earthquakes, floods, ice storms, and wildfires.

In response, EPA issued enforcement discretion guidance (enclosed) that outlined risk-based relief in the form of cleanup and disposal standards for damaged electrical equipment and related spills resulting from either Hurricane Katrina or Hurricane Rita. This guidance was necessary because EPA appropriately recognized that the traditional method for obtaining such relief – namely, through a risk-based variance request under 40 C.F.R. § 761.61(c) – would not be practical or useful in times of natural disasters where immediate action is required. While this relief proved helpful in our response to those particular hurricanes, it was limited in scope and duration, expiring at the end of 2005, and applying only to events caused by those storms.

As recent storms such as Hurricanes Gustav, Hanna, and Ike have demonstrated, the type of emergency situation, brought on by Katrina and Rita, necessitating regulatory relief for utilities attempting post-storm cleanups, is one that is certain to recur every year. Hurricane Ike alone was responsible for power outages affecting nearly 4 million customers throughout Louisiana, Arkansas, Ohio, Kentucky, and Texas. According to the Department of Energy, nearly one-fourth of both Kentucky and Texas lost power during the storm.¹ Such massive power outages will continue to arise as a result of other natural events as well, as demonstrated by the recent wildfires in California and flooding throughout the Midwest. Given the inevitability and unpredictability of natural disasters and the importance of responding quickly and safely to damage and spills resulting from those disasters, we urge the Office of Solid Waste to issue guidance similar to the temporary relief issued in 2005, but broader in scope and available for use during and immediately after *any* natural disaster meeting specified conditions, without prior notice to or approval from EPA. Enclosed please find the list of conditions we believe would be appropriate for such emergency regulatory relief guidance; this is the same list we submitted to EPA in the Fall of 2005.

USWAG would be pleased to work with EPA in developing this emergency regulatory relief guidance. Issuance of this guidance is crucial, as utilities and municipalities across the country will need this assistance in helping to restore power to millions of customers in an efficient and environmentally sound manner following storms and other natural disasters. Thank you for your attention to this matter. We look forward to speaking with you regarding this important issue.

Sincerely,



James Roewer
Executive Director

Enclosures

cc: David Hockey, Branch Chief
EPA Office of Solid Waste Corrective Actions Programs

¹ See Department of Energy Hurricane Ike Situation Report #3 (Sept. 15, 2008), available online at http://www.oe.netl.doe.gov/docs/2008_SitRep_3_Ike_091508_10AM.pdf.

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 12/18/2017 5:51:31 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
Subject: Re: [EXTERNAL] RE: RMP

Thanks Will. Let me check with the crew and I will get back to you soon.

On Dec 18, 2017, at 12:37 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Mike,

Right now, Brittany's calendar appears to be relatively clear for the beginning of the year. Would the morning of Thursday, January 4, work for your group?

Thank you,
Will

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Monday, December 18, 2017 10:10 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Hesselbein, Sherry L. (MPC) <shesselbein@marathonpetroleum.com>; Peterkoski, Timothy J. (MPC) <tjpeterkoski@marathonpetroleum.com>; Haney, Scott A. (MPC) <shaney@marathonpetroleum.com>
Subject: Re: [EXTERNAL] RE: RMP

Hi Will,

I hope you are doing well. I included our team that handles their RMP issue on this email. We would love the opportunity to sit down the Agency at the beginning of January to discuss the rewrite of the rule.

Thanks for your help with scheduling.

Mike

On Dec 15, 2017, at 1:28 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Hi Mike –
Seeing your other email reminded me of this one, which I had flagged for a response. I am happy to coordinate with the appropriate staff to meet with you on this issue. Please work with Will Lovell (cc'd) to schedule a meeting for early January.
Thanks,
Brittany

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Wednesday, December 6, 2017 9:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RMP

Good morning Mandy and Brittany,

I hope you both are doing well and had a nice Thanksgiving. I know neither of you are covering the RMP issue, but wanted to see if you all could help me track something down in regards to that issue.

Craig Haas, at EPA, has stated that the RMP reconsideration rule is being drafted, as we saw this blurb this morning from a lawfirm's daily email:

"Haas stated that EPA is currently drafting a Reconsideration Rule, which will rescind some RMP provisions promulgated under the original amendments and modify others. EPA anticipates providing a draft of the proposed Reconsideration Rule to the Office of Management and Budget ("OMB") in early 2018, and the agency will accept public comments once it is published in the Federal Register."

We were not getting the impression from your other colleagues that drafting had begun. Is there any way you can help me determine if that is true? If you do not know, could you please point me in the right direction of who to ask at the Agency?

Thank you in advanced for any help you can provide!

Mike

Michael Birsic
Marathon Petroleum Corporation
1201 F Street, NW, Suite 625
Washington, DC 20004
Direct:
Cell:
Fax: 202-442-2492
mjbirsic@marathonpetroleum.com

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 9/19/2017 3:40:30 PM
To: Allen Jamerson [AJamerson@bockornygroup.com]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Nicole Venable [nvenable@bockornygroup.com]
Subject: RE: Follow Up

Thank you. See you all tomorrow!

From: Allen Jamerson [mailto:AJamerson@bockornygroup.com]
Sent: Tuesday, September 19, 2017 11:33 AM
To: Konkus, John <konkus.john@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>
Subject: RE: Follow Up

Great. Looking forward to it.

Attendees:

Allen Jamerson (Bockorny Group, Principal)
Nicole Venable (Bockorny Group, Principal)
Patrick Sheahan (Navy Pier, Chief Development Officer)

Allen J. Jamerson
BOCKORNYGROUP
1350 I Street, NW Suite 800
202-659-9128 (W)
Ex. 6 (C)

From: Konkus, John [mailto:konkus.john@epa.gov]
Sent: Tuesday, September 19, 2017 11:30 AM
To: Allen Jamerson <AJamerson@bockornygroup.com>; Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>
Subject: RE: Follow Up

I'm in room 3407 A William J. Clinton North. I can host up to 7 in my office. Can you send me a list of names in advance and I'll let security know you're coming tomorrow.

From: Allen Jamerson [mailto:AJamerson@bockornygroup.com]
Sent: Tuesday, September 19, 2017 11:26 AM
To: Konkus, John <konkus.john@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>
Subject: RE: Follow Up

Great. Which building are you located in and do you need any credential information from us?

Allen J. Jamerson
BOCKORNYGROUP
1350 I Street, NW Suite 800

202-659-9128 (W)

Ex. 6 (C)

From: Konkus, John [<mailto:konkus.john@epa.gov>]
Sent: Tuesday, September 19, 2017 11:23 AM
To: Allen Jamerson <AJamerson@bockornygroup.com>; Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>
Subject: RE: Follow Up

11:30am would work great for me. Thank you.

From: Allen Jamerson [<mailto:AJamerson@bockornygroup.com>]
Sent: Tuesday, September 19, 2017 11:20 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>; Konkus, John <konkus.john@epa.gov>
Subject: RE: Follow Up

Will, thank you very much for coordinating.

John, great to meet you via email! Let me know what time would work best for you during that window and we will get it on the books. Patrick Sheahan with Navy Pier is eager to discuss any possibilities for working with the EPA and helping to assist with the EPA's mission.

Thank you again for taking the time.

Allen J. Jamerson
BOCKORNYGROUP
1350 I Street, NW Suite 800
202-659-9128 (W)
Ex. 6 (C)

From: Lovell, Will (William) [<mailto:lovell.william@epa.gov>]
Sent: Tuesday, September 19, 2017 11:18 AM
To: Allen Jamerson <AJamerson@bockornygroup.com>
Cc: Nicole Venable <nvenable@bockornygroup.com>; Konkus, John <konkus.john@epa.gov>
Subject: RE: Follow Up

Allen,

I spoke to John Konkus (cc'd), and it looks like he should be available to meet during that time. As I mentioned during our phone call, John is EPA's Deputy Associate Administrator for Public Affairs and helps coordinate grants for the agency. Please keep Brittany and me in the loop with your conversation.

Best,
Will

From: Allen Jamerson [<mailto:AJamerson@bockornygroup.com>]
Sent: Monday, September 18, 2017 9:28 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Nicole Venable <nvenable@bockornygroup.com>
Subject: Re: Follow Up

Hi Will,

Thanks for the note. Patrick Sheahan (Chief Development Officer of Navy Pier) will only be in from Chicago on Wednesday. He will be flying from Chicago to Washington during that window tomorrow. Would there be anyone available to meet with him during the window of 11:30am-2:00pm on Wednesday?

I understand that Brittany is very busy so we will gladly meet with other policy members that you felt would be relevant.

Thank you,

Allen Jamerson

Sent from my iPhone

On Sep 18, 2017, at 8:57 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Good evening, Allen,

I am sorry to say that the Administrator's travel plans shifted so Brittany is now tied up on Wednesday. She is, however, free for a call tomorrow between 2 and 3 pm. Please let me know if that does not work, in which case I will try and loop in some other folks to see if they are available another time.

Thanks,
Will

From: Allen Jamerson [<mailto:AJamerson@bockornygroup.com>]

Sent: Monday, September 18, 2017 12:29 PM

To: Lovell, Will (William) <lovell.william@epa.gov>

Cc: Nicole Venable <nvenable@bockornygroup.com>

Subject: Follow Up

Hi Will,

Thank you again for taking the time to speak with Nicole and I on Friday regarding Navy Pier. I wanted to follow up with you and see if any further details have firmed up regarding the 12:30 meeting on Wednesday at the EPA with Patrick Sheahan (Chief Development Officer of Navy Pier).

Thank you again and let us know what information you may need!

Allen J. Jamerson
BOCKORNYGROUP
1350 I Street, NW Suite 800
202-659-9128 (W)

Ex. 6 (C)

Message

From: van Hoogstraten, David Jan [David.vanHoog@bp.com]
Sent: 8/28/2017 12:43:52 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
CC: Nolan, James [James.Nolan@bp.com]; Stout, Robert [Robert.Stout@bp.com]
Subject: RE: BP America meeting on its regulatory reform ideas, Monday, August 28 at 2:30 pm

Will: We are still refining a couple of our ideas and will be bringing the written materials with us when we see you at 2:30 pm this afternoon. We look forward to seeing you then.

David J. van Hoogstraten

Senior Director, Regulatory Affairs (Environmental)
BP America Inc.
1101 New York Avenue, NW
Washington, DC 20005
Direct: **Ex. 6**
Mobile: **Ex. 6**

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Monday, August 28, 2017 8:29 AM
To: van Hoogstraten, David Jan
Subject: RE: BP America meeting on its regulatory reform ideas, Monday, August 28 at 2:30 pm

Good morning, David. Do you have any update on that written material?

From: van Hoogstraten, David Jan [mailto:David.vanHoog@bp.com]
Sent: Thursday, August 24, 2017 11:27 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Stout, Robert <Robert.Stout@bp.com>; Nolan, James <James.Nolan@bp.com>
Subject: FW: BP America meeting on its regulatory reform ideas, Monday, August 28 at 2:30 pm

William:

Thank you for your call this morning. Below is the original e-mail we sent to Associate Administrator Dravis that sets forth in general terms the issue categories we intend to raise with her and others at our meeting on Monday, August 28 at 2:30 pm on regulatory reform. If we can provide additional written materials prior to the meeting we will do so. As I mentioned, we plan to provide meeting participants with 2-page papers outlining each of the proposals. We are also preparing our own regulatory "burden reduction analysis" for each of these issues and may be able to share some of that material as well. We hope that on Monday we can discuss each issue briefly at a high level and then Samantha and her staff would indicate how we can best pursue a deeper dive on each of them with the appropriate people at the Agency. As we indicated in our note, we have chosen these items because we do not think they would be difficult to implement fairly quickly.

As you and I discussed, participants from our side will be Bob Stout, Vice President and Head of Regulatory Affairs for BP America, my colleague Jim Nolan, Senior Director for Regulatory Affairs and myself. Please contact me if there is anything else you need.

Many thanks and best regards,

David

David J. van Hoogstraten

Senior Director, Regulatory Affairs (Environmental)

BP America Inc.

1101 New York Avenue, NW

Washington, DC 20005

Direct:

Ex. 6

Mobile:

From: van Hoogstraten, David Jan [mailto:David.vanHoog@bp.com]

Sent: Thursday, July 13, 2017 3:36 PM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Kime, Robin <Kime.Robin@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Stout, Robert <Robert.Stout@bp.com>; Streett, Mary <Mary.Streett@bp.com>; Nolan, James <James.Nolan@bp.com>; Ung, Poh Boon <PohBoon.Ung@bp.com>

Subject: BP America would like to meet with you on our regulatory reform ideas

TO: SAMANTHA DRAVIS, ASSOCIATE ADMINISTRATOR FOR POLICY

Dear Samantha:

BP America would like to meet with you as soon as convenient about a number of reform-ready proposals that we believe would be useful to EPA as it prepares to submit by July 26 recommendations to alleviate or eliminate aspects of agency actions that burden domestic energy production. These reform ideas relate to aspects of the New Source Review (NSR) program, nationwide permits under the Clean Water Act, captive insurance under CERCLA and RCRA, and unavoidable, high background levels of ozone in the Mountain West. We think they would not be difficult or complicated to implement and most would not require any new regulatory action. We also have developed burden reduction estimates for each of them.

Please let me know when we could come in to discuss our reform ideas with you. We look forward to this opportunity to present on a number of approaches that would reduce our regulatory burden and assist the Agency in responding to the President's Executive Order of March 28 ("Promoting Energy Independence and Economic Growth").

Many thanks and best regards,

David

David J. van Hoogstraten

Senior Director, Regulatory Affairs (Environmental)

BP America Inc.

1101 New York Avenue, NW

Washington, DC 20005

Direct:

Ex. 6

Mobile:

Message

From: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
Sent: 1/3/2018 6:04:34 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: [EXTERNAL] EPA Meetings
Attachments: EPA RMP Discussion.pdf

Flag: Follow up

Will,

Here is our presentation for tomorrow.

Mike

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Tuesday, January 02, 2018 10:39 AM
To: Birsic, Michael J. (MPC)
Cc: Kime, Robin
Subject: [EXTERNAL] EPA Meetings

Good morning and happy New Year, Mike,

I am gathering materials for your meetings with EPA tomorrow and the day after. I already have the list of attendees you provided. Are there any read-ahead materials you would like to provide?

Thank you,

Will Lovell
Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Agenda

	Topic Area	Recommended Action
1	Root Cause Analysis (RCA)	Keep and Revise
2	Emergency Coordination	Keep and Revise
3	Emergency Drills/Exercises	Keep and Revise
4	Compliance Auditing	Remove and Replace with Guidance
5	Training	Remove amendments and Defer to OSHA
6	Safer Technology Alternatives Analysis (STAA)	Completely Rescind
7	Third-Party Audits (TPA)	Completely Rescind
8	Information Sharing (LEPC and Public)	Completely Rescind

Topic Areas to Keep and Revise

● Root Cause Analysis (RCA)

- Component of robust RMP/PSM Management System
- Reference to “near-miss” is too vague and should be removed

● Emergency Coordination

- Industry/local government coordination is necessary, responsible and beneficial
- LEPCs best suited to articulate needs and were not well vetted during initial rulemaking. During reconsideration LEPCs and other local responders should be asked to comment more on appropriate levels of coordination

● Emergency Drills/Exercises

- Preparation through differing levels of drills/exercises with industry/local responders is necessary, responsible and beneficial
- Final rule requirements should be streamlined to allow for flexibility.
- As with emergency coordination, the impact on local (external) resources was not well vetted and those stakeholders should be asked to comment on their constraints

Compliance Auditing

● Concerns with “each covered process” requirement

- Not a clarification - dramatically expands scope of audit requirement
- Inconsistent with OSHA & CCPS guidance of auditing a representative sample of covered processes
- Misplaces focus on “each covered process” rather than testing the effectiveness of the “management system” that governs all processes
- Discourage “deep dives” because resource will need to be reallocated

● Costs and time constraints are prohibitive for a robust audit of “all covered processes”

● Third-party audit requirements not justified and will not make refineries safer

- Accidental Release Trigger
 - “Accidental release” elements not consistently defined across all covered processes
 - Assumes that accidental release indicates a systemic problem
 - Requiring audit within 12-months takes focus off “root cause” analysis of triggering incident
 - Most refineries could trigger this requirement nearly every year
- Auditor Independence Requirements
 - Overly restrictive and narrows the pool of available third-party auditors
 - Would disqualify current third-party auditors without justification
 - Will weaken third-party audits with auditors unfamiliar with operations/practices

Training

- Rule Amendment significantly expands definition of individuals involved in “operating a process” to include non operators
- EPA preamble considerably expands operations training, and even directly conflicts with OSHA (e.g., maintenance technicians)
- Safety training requirements are best deferred to OSHA and should mirror OSHA requirements and interpretations

Safer Technology and Alternatives Analysis (STAA)

- **STAA is not compatible with PHA process**
 - PHA teams not equipped to complete STAA and feasibility analyses
 - Existing PHA methods (e.g., HAZOP) ensure risk reduction without preference to a particular control measure
- **STAA is not appropriate for existing processes**
 - An STAA-like analysis is appropriate and is already a consideration for new units
- **Cost benefit analysis greatly underestimates costs without any demonstrated benefits**
 - Diverts money and resources from more beneficial risk reduction projects
 - Fails to consider feasibility analysis $\approx 2.5\%$ of total project cost
 - Assuming one feasibility analysis per facility/year
 - Modest project (\$25MM) = \$0.625MM per PHA
 - Large unit replacement (\$500MM) = \$12.5MM per PHA

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 12/15/2017 6:28:08 PM
To: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: RMP
Flag: Follow up

Hi Mike –

Seeing your other email reminded me of this one, which I had flagged for a response. I am happy to coordinate with the appropriate staff to meet with you on this issue. Please work with Will Lovell (cc'd) to schedule a meeting for early January.

Thanks,
Brittany

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Wednesday, December 6, 2017 9:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RMP

Good morning Mandy and Brittany,

I hope you both are doing well and had a nice Thanksgiving. I know neither of you are covering the RMP issue, but wanted to see if you all could help me track something down in regards to that issue.

Craig Haas, at EPA, has stated that the RMP reconsideration rule is being drafted, as we saw this blurb this morning from a lawfirm's daily email:

"Haas stated that EPA is currently drafting a Reconsideration Rule, which will rescind some RMP provisions promulgated under the original amendments and modify others. EPA anticipates providing a draft of the proposed Reconsideration Rule to the Office of Management and Budget ("OMB") in early 2018, and the agency will accept public comments once it is published in the Federal Register."

We were not getting the impression from your other colleagues that drafting had begun. Is there any way you can help me determine if that is true? If you do not know, could you please point me in the right direction of who to ask at the Agency?

Thank you in advanced for any help you can provide!

Mike

Michael Birsic
Marathon Petroleum Corporation
1201 F Street, NW, Suite 625
Washington, DC 20004
Direct: Ex. 6
Cell: Ex. 6
Fax: 202-442-2492
mjbirsic@marathonpetroleum.com

Message

From: Hesselbein, Sherry L. (MPC) [shesselbein@marathonpetroleum.com]
Sent: 12/18/2017 5:37:40 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Automatic reply: [EXTERNAL] RE: RMP

I will be out of the office until Wednesday, December 20. I will be checking email periodically during this time. I can also be reached at Ex. 6

If you need immediate assistance, please contact my administrative assistant Sarah Toland at stoland@marathonpetroleum.com or Ex. 6

Thanks, Sherry

Message

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 10/23/2017 2:05:02 PM
To: Shea, Quin [QShea@eei.org]; BViator@eei.org
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: S. Dravis - Bio

Good morning.
Below is Samantha's bio.
Take care.

Samantha Dravis

Samantha Dravis serves as Senior Counsel and Associate Administrator, Office of Policy at the U.S. Environmental Protection Agency, where she is one of Administrator Scott Pruitt's key advisors. The Office of Policy is the primary policymaking arm of EPA, providing multi-disciplinary analytic skills, management support, and special expertise in the areas of regulatory policy and management, environmental economics, strategic environmental management, and sustainable communities.

Prior to serving at EPA, Samantha worked as General Counsel to the Republican Attorney Generals Association, and President of the Rule of Law Defense Fund, a policy organization dedicated to advancing the policy objectives of the 27 Republican state attorneys general, which often included the states' battles with President Obama's executive actions.

She has also previously served as Associate Director of Political Affairs at The White House during the administration of President George W. Bush, as Legislative Assistant to Congressman Dan Lungren of California, and as a litigation associate at the law firm Taft, Stettinius & Hollister.

Samantha was honored as one of this year's "Future 40" leaders in business, politics and entrepreneurship under 40 by Maverick PAC, an organization dedicated to advancing the next generation of conservative leaders.

Samantha is an honors graduate of the University of Kansas and the University of Notre Dame Law School, where she was Executive Solicitation Editor of the Notre Dame Journal of Law, Ethics, and Public Policy.

Message

From: Emma Wright [ewright@publicpower.org]
Sent: 1/23/2018 8:35:07 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Heidi Lambert [HLambert@publicpower.org]; Carolyn Slaughter [cslaughter@publicpower.org]
Subject: FW: Confirmation letter for APPA Clean Air Act (Leg Rally) Seminar - Feb. 26
Attachments: Samantha Dravis - 2018 Leg Rally Confirmation Letter - Clean Air Act Seminar.pdf; 90 PP Academy Logo+Yellow Circle.png; Academy PowerPoint Template.pptx; Learning Outcomes and Timed Agendas - Pre-conference Seminar.docx

Flag: Follow up

Hi Samantha,

Thank you for agreeing to present during the “**Cooperative Federalism Under the Clean Air Act**” seminar, being held on Feb. 26 from 8:30 a.m. – Noon, prior to APPA’s [Legislative Rally](#) in Washington, D.C.!

I’ve attached a confirmation letter for your review, which outlines some logistical information and deadlines. Please review, sign, and email a copy back to me **by Jan. 29**. Carolyn Slaughter will be your contact for content-related questions and I’ll be handling the logistics.

Location

All events will be held at The Mayflower Washington (1127 Connecticut Ave. NW, Washington, D.C., 20036). We will provide you with the meeting room name closer to the event date.

Handouts

Your PPT presentation is due on **Monday, Feb. 5**. I’ve attached a document that includes more information on creating learning outcomes (and includes a sample agenda/outcomes document) so you can see what we’re looking for in those items. Since Carolyn is coordinating this session, she can help with these as well. Also attached is the Association’s Academy logo, and the Academy PowerPoint template if you wish to use it for your presentation. Please send all items to me and Heidi.

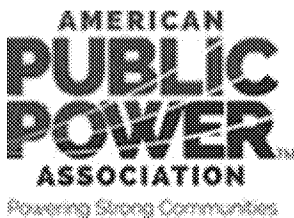
Registration

Currently we have 11 people signed up for the class (see attached list). I’m sure we’ll pick up more before the event, but this is enough to make it an official “go.”

Feel free to contact me, Heidi, or Carolyn anytime with questions. I look forward to working with you!

Thank you,

Emma Wright
Education and Meetings Assistant

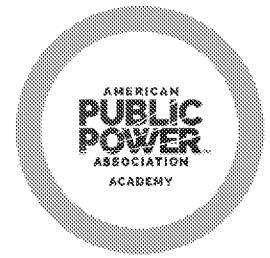


2451 Crystal Dr., Suite 1000, Arlington, VA 22202

P: Ex. 6

Email: ewright@publicpower.org

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Developing Learning Outcomes

Why Do We Need to Develop Learning Outcomes?

The key to any successful APPA learning event is the development, instruction and evaluation around outcomes. This process is meant to help clarify and communicate the intention of the course and ensure the learner's behavior is observable and measurable. Plus, APPA can only grant Continuing Education Units (CEUs) for learning events for which there is written documentation showing the relationship between the learner needs and learning outcomes.

What Are Learning Outcomes?

Learning objectives are clear, concise and measurable statements of behaviors (e.g., skills, knowledge or observable behaviors/performance) you expect participants to demonstrate as a result of attending your course. To put it simply, how could an attendee prove they learned something from attending your class?

Writing Learning/Performance Outcome Language

The learning objectives are stated as actions that the learner will be able to perform (and you will be able to observe and measure) after the learner's participation in your course. The following are examples of learning objectives:

Learning outcomes should include a condition, criteria, and behavioral verb:

1. **Condition and Criteria** – An opening statement describing the conditions under which the behavior is to be performed and how well the learner must perform the behavior. For example:
 - At the end of this session, attendees will be able to accurately:
 - At the end of this session, attendees will be able to successfully:
2. **Behavioral verb/statement** – Finish the sentence above with a statement that includes an action word that describes an observable behavior—verbs that can demonstrate learning. Examples of behavioral verbs include:

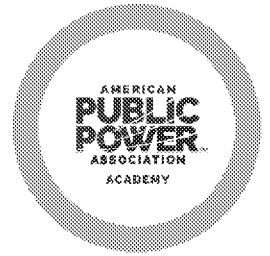
Apply	Design	Examine	Plan
Assess	Describe	Explain	Prepare
Compare	Determine	Identify	Recognize
Complete	Develop	List	Select
Create	Differentiate	Measure	Show
Define	Distinguish	Organize	Summarize
Demonstrate	Discuss	Outline	

Things to avoid: Using vague language and verbs that represent actions or concepts that are difficult to measure or be observed by a 3rd party, such as: gain insight, understand, demonstrate knowledge of, become familiar with, comprehend, and learn.

Here are a few examples of well-written learning outcomes (*see the Public Utility Accounting sample at the end of this document*):

- At the end of this course, attendees will be able to accurately identify three major challenges facing...
- At the end of this course, attendees will be able to successfully prepare a strategy to deal with...
- At the end of this course, attendees will be able to successfully summarize...
- Upon successful completion of this session, participants will be able to correctly identify three major intelligence disciplines.

LEARNING OUTCOMES FORM



Name/Organization: _____

Course: _____

Learning Outcomes

Please list at least three learning outcomes that participants will be able to demonstrate as a result of attending your session, by finishing the following sentence. Feel free to add additional learning outcomes or adjust the introduction sentence as necessary.

At the end of this session, attendees will be able to accurately:

- 1.
- 2.
- 3.
- 4.
- 5.

Remember: Include a behavioral verb/action statement to show that attendees learned something concrete during your session:

- Apply
- Assess
- Compare
- Complete
- Create
- Define
- Demonstrate
- Design
- Describe
- Determine
- Develop
- Differentiate
- Distinguish
- Discuss
- Examine
- Explain
- Identify
- List
- Measure
- Organize
- Outline
- Plan
- Prepare
- Recognize
- Select
- Show
- Summarize

[PAGE * MERGEFORMAT]



Sample Learning Outcomes

Public Utility Accounting

Recommended CEUs .7/PDHs 6.5/CPEs 7.8

Field of Study: Accounting

Upon completion of this course, participants will be able to successfully:

- Explain the structure and usage of the Code of Federal Regulations and the FERC Uniform System of Accounts.
- Define the accountant's role as a service provider to internal and external customers and describe how those customers use the data provided.
- Identify the sources of GAAP and where to research questions.
- List the 10 key elements of a plant accounting system.
- Differentiate between capital vs. operating vs. maintenance expenses.
- Identify the difference between regulatory and unregulated accounting procedures.
- Define the five basic concepts associated with utility rate design, as well as describe other funding methods.



Sample Timed Agenda

Public Utility Accounting

Recommended CEUs .7/PDHs 6.5/CPEs 7.8

Field of Study: Accounting

Monday, January 31

8:30 a.m. Section One

- Course Introduction and Overview
- Discussion of Learning Objectives
- Chapter One – Introduction of Uniform System of Accounts
- Incorporating FERC into Utility Chart of Accounts

10 a.m. Break

10:15 a.m. Section Two

- Chapter Two – Accounting Information for Public Power Systems
- Accounting Requirements
- Users of Accounting Information

Noon Lunch (*on your own*)

1 p.m. Section Three

- Chapter Three – FERC USOA: Instructions
- Definitions
- General Instructions
- Electric Plant Instructions/Group Exercise
- Operating Expense Instructions

3 p.m. Break

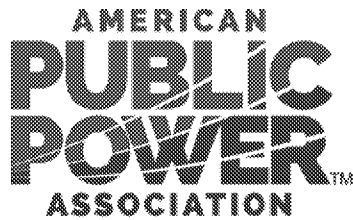
3:15 p.m. Section Four

- Balance Sheet Accounts
- Exercise

4:45 p.m. Concluding Remarks, Course Review and Assessment

- Course review/assessment
- Q & A with the Instructor
- Evaluation of Instructor

5 p.m. Adjourn for the Day



Powering Strong Communities

2451 Crystal Drive
Suite 1000
Arlington, VA 22202-4804
202-467-2900
www.PublicPower.org

January 23, 2018

Ms. Samantha Dravis
Senior Counsel/Associate Administrator Office of Policy
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Samantha:

Thank you for agreeing to serve as an instructor for the following pre-rally seminar at the 2018 Legislative Rally:

- **Cooperative Federalism Under the Clean Air Act** (*along with Bob Jagusch, Director of Engineering & Policy Analysis for the Minnesota Municipal Utilities Association, and Kelly Poole, Senior Project Manager, Environmental Council of the States, Washington, DC*)

Monday, February 26
8:30 a.m. – Noon

The following outlines our agreement:

Conference Information

All pre-rally seminars will be held at The Mayflower Washington (1127 Connecticut Ave. NW, Washington, D.C., 20036). We'll provide more information on the room name, as we get closer to the event.

Course Schedule

- Your course will be held from **8:30 a.m. – Noon on Monday, February 26.**
- Because there will be multiple courses running concurrently, we'd like to standardize break times. As you develop your course agenda, please plan for a morning break from 10-10:15 a.m.
- You can find the latest course description on the event website, as well as other Leg Rally updates: www.PublicPower.org/LegislativeRally.

Handouts, Agenda, and Learning Outcomes

- APPA will duplicate your handouts provided that we receive a copy of your materials by **Monday, Feb. 5. Please note:** If you can't meet this deadline, APPA won't be able to duplicate the materials for you, but we will reimburse you for duplication.
- Because participants will earn Continuing Education Units (CEUs), I will need a timed agendas and learning outcomes for the course. Please provide these to me as soon as possible, but no later than **Monday, Feb. 5. See attached document on developing learning objectives—we're also happy to help with these.**

- I've included a copy of the APPA Academy PPT template if you'd like to use that. If you prefer to use your own, please incorporate the Academy logo. We're happy to help with any PPT template modifications as well.

Room Set-Up and Audio-Visual Equipment

- The meeting room will be set in crescent rounds of 5 people; however, if you have another preference, please let me know as soon as possible.
- I will have the following AV for you. If you have changes, please let me know:
 - Screen
 - LCD projector
 - APPA laptop with presentations preloaded

If the terms in this letter are acceptable, please sign, date, and return a copy to me by **Wednesday, January 31.**

Please feel free to contact me if you have questions or need assistance in any way (HLambert@PublicPower.org); Ex. 6 I look forward to working with you!

Sincerely,



Heidi Lambert
Director of Education

Attachments: Learning Outcomes and Timed Agendas document; APPA Academy PPT template and logo

Name

Date

Organization

Message

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 2/2/2018 2:48:23 PM
To: Carolyn Slaughter [cslaughter@publicpower.org]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; Heidi Lambert [HLambert@publicpower.org]
Subject: RE: APPA Leg Rally

Flag: Follow up

Good morning,
I am sorry, I'm not much help there but I do wish you all well. Take care.

From: Carolyn Slaughter [mailto:cslaughter@publicpower.org]
Sent: Friday, February 2, 2018 9:41 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; Heidi Lambert <HLambert@publicpower.org>
Subject: RE: APPA Leg Rally

Hi Robin,

Thank you for letting me know about Samantha's change in plans. Hopefully her schedule will permit her to join us at a future date.

Can you recommend someone else within the Office of Policy or another agency office that would be able to participate?

Best regards,

Carolyn Slaughter
Director, Environmental Policy
American Public Power Association
Direct: Ex. 6

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Thursday, February 1, 2018 3:21 PM
To: Carolyn Slaughter <cslaughter@publicpower.org>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: APPA Leg Rally

Hi Carolyn,

I am sorry to do this but Samantha asked that I reach out to you directly to thank you again for the opportunity to participate in the conference. Unfortunately, she now needs to travel and will not be able to attend. There is no doubt it will be a great event, she regrets missing it and wishes you well.

Take care,
Robin
202-564-6587

From: Carolyn Slaughter [<mailto:cslaughter@publicpower.org>]
Sent: Monday, January 29, 2018 5:19 PM
To: Robert Jagusch <rjagusch@mmua.org>; Kelly Poole <kpoole@ecos.org>; Lovell, Will (William) <lovell.william@epa.gov>
Cc: Heidi Lambert <HLambert@publicpower.org>; Emma Wright <ewright@publicpower.org>
Subject: APPA Leg Rally- Speaker Coordination Call

Hello everyone,

Thank you again for agreeing to participate in APPA's Legislative Rally Pre-conference session on Cooperative Federalism Under the Clean Air Act.

I would like to schedule a call to facilitate everyone's presentation and to discuss logistics as well as to answer any questions you may have. Below, I have provided a link to a doodle poll for you to complete, to select a date and time to talk that is convenient for all. If the dates/times suggested are not convenient I can work with you separately. Once a date and time is selected I will follow up with a meeting invitation included the conference call phone number and passcode.

<https://doodle.com/poll/3fqp2xs7zamursw8>

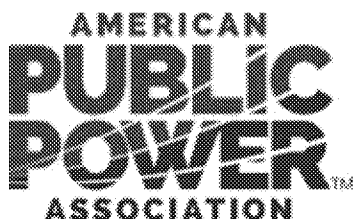
The session runs from 8:30-12 noon on Monday, February 26, 2018. Each presentation should be approximately 25 minutes in length. The draft schedule is as follows:

Welcome and Introductions
Overview
Environmental Protection Agency's Presentation
Minnesota Municipal Utilities Association Presentation
Break
Environmental Council of States Presentation
American Municipal Power, Inc. Presentation
Discussion and Wrap Up

Best regards,

Carolyn Slaughter
Director, Environmental Policy
CSlaughter@PublicPower.org

Office: **Ex. 6**
Mobile:



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www.publicpower.org
#PublicPower

Message

From: Carolyn Slaughter [cslaughter@publicpower.org]
Sent: 1/29/2018 10:18:52 PM
To: Robert Jagusch [rjagusch@mmua.org]; Kelly Poole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5e432e30]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Heidi Lambert [HLambert@publicpower.org]; Emma Wright [ewright@publicpower.org]
Subject: APPA Leg Rally- Speaker Coordination Call
Flag: Follow up

Hello everyone,

Thank you again for agreeing to participate in APPA's Legislative Rally Pre-conference session on Cooperative Federalism Under the Clean Air Act.

I would like to schedule a call to facilitate everyone presentation and to discuss logistics as well as to answer any questions you may have. Below, I have provided a link to a doodle poll for you to complete, to select a date and time to talk that is convenient for all. If the dates/times suggested are not convenient I can work with you separately. Once a date and time is selected I will follow up with a meeting invitation included the conference call phone number and passcode.

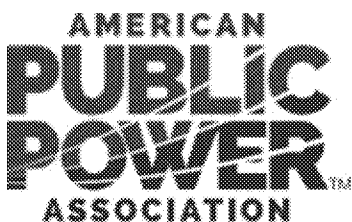
<https://doodle.com/poll/3fgp2xs7zamursw8>

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Best regards,

Carolyn Slaughter
Director, Environmental Policy
CSlaughter@PublicPower.org
Office: **Ex. 6**
Mobile:



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#PublicPower

Message

From: Carolyn Slaughter [cslaughter@publicpower.org]
Sent: 1/19/2018 4:40:17 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: Speaking Invitation- APPA Legislative Rally

Samantha, Great! Thank you for accepting our invitation.

Best,
Carolyn Slaughter
Director, Environmental Policy
American Public Power Association
Direct: Ex. 6

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, January 19, 2018 10:47 AM
To: Carolyn Slaughter <cslaughter@publicpower.org>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: Speaking Invitation- APPA Legislative Rally

Carolyn,

I'm happy to speak at this event. Will Lovell can coordinate with you on details. Thank you!

Sent from my iPad

On Jan 16, 2018, at 9:52 AM, Carolyn Slaughter <cslaughter@publicpower.org> wrote:

Dear Ms. Dravis,

Please allow me to introduce myself again, I am the Director of Environmental Policy for the American Public Power Association. We had an opportunity to meet briefly last fall during the launch ceremony of the Smart Sectors program.

The Association would like to invite you to participate in a panel discussion on Cooperative Federalism under the Clean Air Act, during our 2018 Legislative Rally. The speaking engagement will be held at the Washington, D.C. Mayflower hotel on **Monday, February 26, 2018 from 8:30 a.m.-12:00 p.m.** Association members attending the rally represent state and local government in the communities they serve. Our members would like to learn more about the Administration's goal to rebalance coordination and corporation amongst its partners and how public power communities can support this effort.

For your reference I have included a link to our Rally [brochure](#) and more information is available at our website, www.publicpower.org.

I look forward to hearing from you or someone on your team regarding your interest and availability to participate in APPA's pre-rally seminar. Please feel free to contact me directly if you have questions.

About APPA:

The Association is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ. Our association advocates and advises on electricity policy, technology, trends, training, and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power.

Best regards,
Carolyn Slaughter
Director, Environmental Policy
CSlaughter@PublicPower.org

Office: **Ex. 6**

Mobile: **Ex. 6**

<image002.jpg>
www.publicpower.org
#PublicPower

Message

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 1/19/2018 3:47:05 PM
To: Carolyn Slaughter [cslaughter@publicpower.org]
CC: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Speaking Invitation- APPA Legislative Rally

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Best regards,

Carolyn Slaughter

Director, Environmental Policy

CSlaughter@PublicPower.org

Office: **Ex. 6**
Mobile:

<image002.jpg>
www.publicpower.org
#PublicPower

Message

From: Viator, Brad [BViator@eei.org]
Sent: 10/23/2017 9:10:21 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Gannon, Mary Randolph [mgannon@eei.org]
Subject: ev_event_registrant_by_company (2).pdf
Attachments: ev_event_registrant_by_company (2).pdf; ATT00001.txt

Here is the reg list. And I'm the contact. Should you need a backup, Mary Randolph Gannon on my team is also available. My cell phone number is below.

Brad Viator

Edison Electric Institute

Ex. 6

Sent from my iPhone

List of Registrants by Company

Event: 2017 Oct Annual External Affairs Meeting

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
AEP Ohio	Mr. Thomas Froehle	1 Riverside Plaza Columbus, OH 43215 UNITED STATES	(614)716-3200	(604)716-3470	tlfroehle@aep.com
AES Corporation	Mr. Kiran Kumaraswamy	4300 Wilson Blvd Arlington, VA 22203-1830 UNITED STATES	Ex. 6	(703)528-4510	Kiran.Kumaraswamy@aes.com
	Mr. Mark Miller	4300 Wilson Blvd Arlington, VA 22203-1830 UNITED STATES	Ex. 6		marka.miller@aes.com
Alabama Power Company	Mr. Houston Smith	600 North 18th St Birmingham, AL 35291 UNITED STATES	Ex. 6		hosmith@southernco.com
	Mr. W. Smola	600 N 18th St Birmingham, AL 35203-0100 UNITED STATES	Ex. 6		jsmola@southernco.com
Alliance One Consulting	Ms. Mary Kenkel	5869 Colfax Ave Alexandria, VA 22311-0000 UNITED STATES	Ex. 6	(202)331-1181	Ex. 6
Alliant Energy	Mr. Robert Bartlett	4902 N Biltmore Ln Madison, WI 53718-2148 UNITED STATES	Ex. 6	(608)458-3481	robbartlett@alliantenergy.com

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address	
Alliant Energy	Mr. John Rainbolt	801 Pennsylvania Ave NW Washington, DC 20004-2615 UNITED STATES	Ex. 6		johnrainbolt@alliantenergy.com	
	Mrs. Julie VandeHoef	500 East Court Ave, Suite 300 Des Moines, IA 50309 UNITED STATES			JulieVandehoef@alliantenergy.com	
American Electric Power	Ms. Alicia Cannon	801 Pennsylvania Ave NW, Suite 735 Washington, DC 20004 UNITED STATES			(202)383-3459	aecannon@aep.com
	Ms. Maria Haberman	1 Riverside Plaza Columbus, OH 43215 UNITED STATES			(614)716-2304	mlhaberman@aep.com
	Ms. Jeri Matheney	PO Box 1986 Charleston, WV 25327-1986 UNITED STATES			(304)348-4150	jhmatheney@aep.com
	Ms. Anne Vogel	801 Pennsylvania Ave NW, Suite 735 Washington, DC 20004 UNITED STATES				amvogel@aep.com
American Transmission Company	Mr. John Garvin	5303 Fen Oak Dr Madison, WI 53718 UNITED STATES				jgarvin@atcllc.com
America's Natural Gas Alliance	Mr. Jed Bhuta	701 Eighth St NW Suite 800 Washington, DC 20001 UNITED STATES			(202)789-2643	

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Arizona Public Service Company	Mr. Anthony Aguilar	400 N 5th St Phoenix, AZ 85004 UNITED STATES	Ex. 6		Anthony.Aguilar@aps.com
	Mr. Jesus Borboa	PO Box 53999 Phoenix, AZ 85072-3999 UNITED STATES		(602)250-3873	Jesus.Borboa@aps.com
	Ms. Jessica Pacheco	400 N 5th St Phoenix, AZ 85004 UNITED STATES		(602)250-3887	jessica.pacheco@aps.com
	Ms. Katie Prendergast	400 N 5th St Phoenix, AZ 85004 UNITED STATES			Katie.prendergast@aps.com
	Mr. Rodney Ross	400 N 5th St Phoenix, AZ 85004 UNITED STATES			Rodney.ross@aps.com
	Mrs. Wendy Valenzuela	400 N 5th St Phoenix, AZ 85004 UNITED STATES			Wendy.villa@aps.com
Baltimore Gas and Electric Company	Ms. Misty Allen	112 West St Annapolis, MD 21401 UNITED STATES			misty.allen@bge.com
	Ms. Valencia McClure	300 Exelon Way Kennett Square, PA 19348-0000 UNITED STATES		(817)446-2552	valencia.mcclure@exeloncorp.com

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Baltimore Gas and Electric Company	Mr. John Quinn	112 West St Annapolis, MD 21401 UNITED STATES	Ex. 6	(443)213-3204	John.Quinn@bge.com
Black Hills Corporation	Mr. Joshua Shields	PO Box 1400 Rapid City, SD 57709-1400 UNITED STATES		joshua.shields@blackhillscorp.com	
CenterPoint Energy	Ms. June Deadrick	PO Box 4981 Houston, TX 77210 UNITED STATES		June.Deadrick@centerpointenergy.com	
Central Maine Power	Mr. Joel Harrington	83 Edison Dr Augusta, ME 04336 UNITED STATES		joel.harrington@cmpco.com	
CMS Energy	Ms. Kiran Malone	1730 Rhode Island Ave NW, Suite 1007 Washington, DC 20036-0000 UNITED STATES		(202)778-3356	kiran.malone@cmsenergy.com
Dayton Power & Light	Mr. Nate Filler	1065 Woodman Dr Dayton, OH 45432-1423 UNITED STATES		nate.filler@aes.com	
DDC Advocacy	Mr. Bill Bertles	805 15th St, NW Suite 300 Washington, DC 20005 UNITED STATES		wmb@ddcpublicaffairs.com	
Duke Energy	Mrs. Amy Mangan	4359 SE Maricamp Rd Ocala, FL 34471 UNITED STATES		amy.mangan@duke-energy.com	

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Duke Energy	Mr. Michael Sewell	325 7th St, NW, Suite 300 Washington, DC 20004-0000 UNITED STATES	Ex. 6	(202)331-1181	michael.sewell@duke-energy.com
Edison Electric Institute	Mr. Taylor Beis	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5403	tbeis@eei.org
	Mr. Richard Bozek	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5150	rbozek@eei.org
	Mr. David Bridges	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			dbridges@eei.org
	Mr. Kwame Canty	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			kcanty@eei.org
	Ms. Mary Randolph Gannon	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			mgannon@eei.org
	Ms. Teerah Goodrum	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			tGoodrum@eei.org
	Mr. Eric Grey	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			egrey@eei.org

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Edison Electric Institute	Ms. Becky Harsh Knox	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES	Ex. 6	(202)508-5058	bknnox@eei.org
	Mr. Chris Hickling	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		chickling@eei.org	
	Ms. Jessica Jubran	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		jjubran@eei.org	
	Mr. John Kinsman	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5150	jkinsman@eei.org
	Mr. Thomas Kuhn	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5786	tkuhn@eei.org
	Mr. Philip Moeller	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		pmoeller@eei.org	
	Mr. Cal Odom	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5403	codom@eei.org
	Ms. Brittany Richardson	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		bRichardson@eeitemp.org	

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Edison Electric Institute	Mr. Trace Scruggs	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES	Ex. 6		tScruggs@eei.org
	Mr. Quinlan Shea III	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5150	qshea@eei.org
	Ms. Katie Shoaf	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			kShoaf@eeiintern.org
	Mr. Jason Smith	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5150	jsmith@eei.org
	Mr. Jason Smith	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5150	jsmith@eei.org
	Ms. Kathryn Steckelberg	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5403	ksteckelberg@eei.org
	Ms. Elizabeth Stipnieks	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES		(202)508-5038	estipnieks@eei.org
	Ms. Kristine Telford	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			kTelford@eei.org

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Edison Electric Institute	Ms. Maria-Albertina Veiga	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES	Ex. 6	(202)508-5080	mveiga@eei.org
	Mr. Brad Viator	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			bviator@eei.org
	Mr. Richard Ward III	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			rward@eei.org
	Ms. Alison Williams	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			awilliams@eei.org
	Ms. Katelyn Williams	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			kwilliams@eei.org
	Mr. Brian Wolff	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			bwolff@eei.org
	Ms. Michelle Zaccagnino	701 Pennsylvania Ave, NW Washington, DC 20004-2696 UNITED STATES			MZaccagnino@eei.org
Edison International	Mr. Cody Tubbs	2244 Walnut Grove Ave Rosemead, CA 91770 UNITED STATES			Cody.Tubbs@sce.com

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
Entergy Mississippi	Mr. John Arledge	PO Box 1640 Jackson, MS 39215-1640 UNITED STATES	Ex. 6	601-969-2582	jarled1@entergy.com
Entergy Nuclear	Mr. Kenneth Theobalds	440 Hamilton Ave White Plains, NY 10601-0000 UNITED STATES		(914)272-3219	ktheoba@entergy.com
Entergy Texas	Ms. Deanna Rodriguez	919 Congress Ave, #740 Austin, TX 78701-0000 UNITED STATES		(601) 790-3166	drodri2@entergy.com
EPRI	Mr. Wil Smith	1325 G Street NW, Suite 1080 Washington, DC 20005 UNITED STATES		wsmith@epri.com	
Exelon Corporation	Mr. Andrew Malcolm	101 Constitution Ave NW, Suite 400E Washington, DC 20001-0000 UNITED STATES		Andrew.malcolm@exeloncorp.com	
FirstEnergy	Ms. Lorna Wisham	801 Pennsylvania Ave NW, Suite 310 Washington, DC 20004 UNITED STATES		(330)436-8215	lwisham@firstenergycorp.com
General Motors Corporation	Mr. Daniel Turton	North America Public Policy 25 Massachusetts Av NW, #400 Washington, DC 20001 UNITED STATES		Dan.Turton@gmail.com	
Hawaiian Electric Company	Ms. Lisa Kikuta	PO Box 2750 Honolulu, HI 96840 UNITED STATES		lisa.kikuta@hawaiianelectric.com	

List of Registrants by Company

Company	Name	Address	Telephone No.	Fax No.	E-mail Address
IBEW Local 104	Mr. Tiler Eaton	130 West St Walpole, MA 02081-0000 UNITED STATES	Ex. 6	(603)703-6755	tiler_eaton@ibew.org
Indianapolis Power & Light Company	Mr. Frederic Mills	One Monument Circle Indianapolis, IN 46204-2901 UNITED STATES		(317)864-5470	fred.mills@aes.com
Jim Hunter, LLC	Mr. Jim Hunter	590 Bearfoot Road Accident, MD 21520 UNITED STATES		jim@jimhunterllc.com	
Kansas City Power & Light Company	Ms. Elizabeth Danforth	PO Box 418679 Kansas City, MO 64141-9769 UNITED STATES		(816)556-2975	elizabeth.danforth@kcpl.com
	Ms. Cara Hoover	PO Box 418679 Kansas City, MO 64141-9679 UNITED STATES		(816)556-2222	cara.hoover@kcpl.com
LG&E and KU Energy	Mr. David Freibert Jr.	220 W Main St Louisville, KY 40202-0000 UNITED STATES		(859)367-1272	david.freibert@lge-ku.com
Luntz Global	Mr. Phillip Morris	1401 K St NW Washington, DC 20005 UNITED STATES		phillip@luntzglobal.com	
MDU Resources Group	Mr. Cory Fong	1200 W Century Ave Bismarck, ND 58503-0911 UNITED STATES		Cory.fong@mduresources.com	

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Company	Name	Address	Telephone No.	Fax No.	E-mail Address
National Grid	Mr. Jonathan Nickerson	144 Kensington Ave Buffalo, NY 14214-0000 UNITED STATES	Ex. 6		jonathan.nickerson@nationalgrid.com
New Jersey Utilities Association	Mr. Thomas Churchelow Esq.	50 W State St, Suite 1117 Trenton, NJ 08608 UNITED STATES		(609)396-4231	tchurchelow@njua.com
NV Energy	Mr. Tony Sanchez III	6226 W Sahara Ave Las Vegas, NV 89146-0000 UNITED STATES			tsanchez@nvenergy.com
OGE Energy Corporation	Mr. Randy Swanson	PO Box 321 Oklahoma City, OK 73101-0321 UNITED STATES		(405)553-3760	swansora@oge.com
PacifiCorp	Mr. Scott Bolton	825 NE Multnomah St Portland, OR 97232 UNITED STATES		(503)813-7274	scott.bolton@pacificorp.com
PECO	Mr. Mark Haas	2301 Market St Philadelphia, PA 19103-0000 UNITED STATES			mark.haas@exeloncorp.com
PG&E Corporation	Mr. Shawn Cooper	900 7th St NW, Suite 950 Washington, DC 20001-3886 UNITED STATES		(415)267-7252	shawn.cooper@pge-corp.com
PNM Resources	Mr. Matthew Jaramillo	Corporate Headquarters Albuquerque, NM 87158-1275 UNITED STATES			matthew.jaramillo@pnmresources.com

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PNM Resources	Sayuri Yamada	528 Don Graspas Santa Fe, NM 87501 UNITED STATES	Ex. 6		sayuri.yamada@pnmresources.com
Portland General Electric	Ms. Sania Radcliffe	121 SW Salmon St Portland, OR 97204 UNITED STATES		(503)464-2354	sania.radcliffe@pgn.com
PPL Corporation	Mr. Ken Lynch	900 7th St NW, Suite 510 Washington, DC 20001-3886 UNITED STATES			KLynch@pplweb.com
Public Service Enterprise Group	Mr. David Richter	80 Park Plaza Newark, NJ 07102-4194 UNITED STATES			david.richter@pseg.com
Puget Sound Energy	Ms. Kassie Markos	355 110th Ave NE Bellevue, WA 98004-0000 UNITED STATES			kassie.markos@pse.com
Rocky Mountain Power	Mr. Jon Cox	One Utah Center 201 S Main St Salt Lake City, UT 84111-0000 UNITED STATES			Jon.Cox@pacificorp.com
SCANA Corporation	Mr. Henry Barton	220 Operation Way Cayce, SC 29033-3701 UNITED STATES			hbarton@scana.com
South Dakota Electric Utility Companies	Mr. Steve Willard	PO Box 247 Pierre, SD 57501-0000 UNITED STATES			Steve@willardandassociates.com

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Southern California Edison	Mr. Simon Han	3 Innovation Way Pomona, CA 91768 UNITED STATES	Ex. 6		Simon.han@sce.com
Southern Company	Mr. Wells Ellenberg	30 Ivan Allen Jr Blvd, NW Atlanta, GA 30308-0000 UNITED STATES		jellenbe@southernco.com	
	Ms. Jeanne Wolak	601 Pennsylvania Ave NW Washington, DC 20004-0000 UNITED STATES		(202)296-7937	jhwolak@southernco.com
The United States Conference of Mayors	Mrs. Debra Dehaney Howard	1620 I St NW Washington, DC 20006 UNITED STATES			ddehaney@usmayors.org
Tucson Electric Power	Mr. Steven Eddy	PO Box 711 Tucson, AZ 85702-0711 UNITED STATES			seddy@tep.com
United States Hispanic Chamber of Commerce	Mr. Kevin Hernandez	1424 K St NW, Suite 401 Washington, DC 20005 UNITED STATES			KHernandez@USHCC.com
Unitil Corporation	Mr. Mark Lambert	6 Liberty Lane West Hampton, NH 03842-0000 UNITED STATES		(603)227-4669	lambert@unitil.com

Summary: Number of Registrant for this event: 102

Message

From: Viator, Brad [BViator@eei.org]
Sent: 10/19/2017 5:41:16 PM
To: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
CC: Marie Sanderson [msanderson@50-state.com]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Pre-call

I've got another call scheduled at 2. Would 230 Work?

Brad Viator
Edison Electric Institute

Ex. 6

Sent from my iPhone

On Oct 19, 2017, at 1:37 PM, Kime, Robin <Kime.Robin@epa.gov> wrote:

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Hi- Will you send a meeting schedule for 2:00 tomorrow (changed from my previous request).

From: Dravis, Samantha
Sent: Thursday, October 19, 2017 1:36 PM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

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From: Viator, Brad [<mailto:BViator@eei.org>]
Sent: Thursday, October 19, 2017 11:09 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

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Thx.

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, October 19, 2017 11:06 AM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
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<!--[if !vml]--><!--[endif]-->

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Safe travels to the Nation's Capital, and we look forward to seeing you soon.

Thank you,

Brad Viator
Executive Director, External Affairs
Edison Electric Institute

Ex. 6 (direct)
(mobile)

bviator@eei.org

701 Pennsylvania Ave., N.W. | Washington D.C. 20004-2696 | 202-508-5000 |



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To: Marie Sanderson <msanderson@50-state.com>; Dravis, Samantha <dravis.samantha@epa.gov>
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Sent: 10/19/2017 5:37:42 PM
To: Viator, Brad [BViator@eei.org]; Marie Sanderson [msanderson@50-state.com]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
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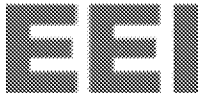
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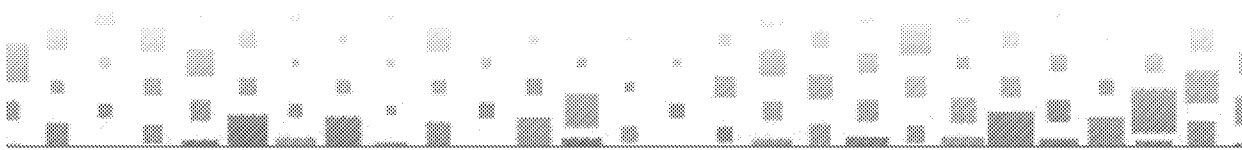
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Ex. 6 (direct)
(mobile)

bviator@eei.org

701 Pennsylvania Ave., N.W. | Washington D.C. 20004-2696 | 202-508-5000 |



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Subject: RE: EEI External Affairs Conference 10/25

Yes please, send us an invitation and we will talk tomorrow. Much appreciated.

From: Viator, Brad [mailto:BViator@eei.org]
Sent: Thursday, October 19, 2017 1:30 PM
To: Kime, Robin <Kime.Robin@epa.gov>; Marie Sanderson <msanderson@50-state.com>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: EEI External Affairs Conference 10/25

Robin,

That's correct. 10 minutes chatting, and then moderated questions for the 20-25. Beginning at 830 AM on the 25th. And I can be free tomorrow at 1130 to do a phone call. Do you want a calendar invite and my conference call line?

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Thursday, October 19, 2017 1:28 PM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
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Hi Brad,

When next Wednesday are you planning for Samantha to speak? And to confirm, she will speak for 10 minutes followed by 20 minutes Q and A.

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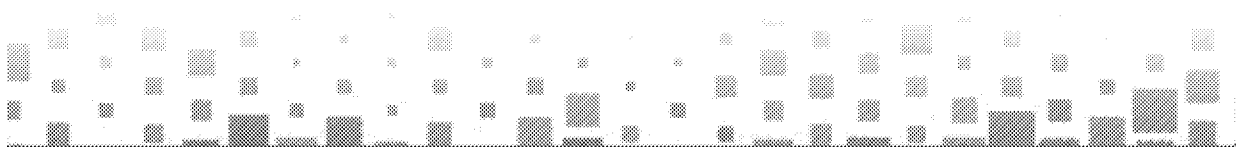
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Subject: RE: connecting

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Here is an agenda with a bit more detail. Let me know what you think and if you'd like to chat through it. But I think this is an opportunity for you guys to talk about your vision in your own words to our entire industry. I know there will be interest from our folks, particularly given recent activity, so I think we allot 20-30 mins of comments from you and 15-20 of discussion.

Thanks.

-Brad

From: Marie Sanderson [<mailto:msanderson@50-state.com>]

Sent: Monday, October 16, 2017 11:49 AM

To: Dravis, Samantha <dravis.samantha@epa.gov>; Viator, Brad <BViator@eei.org>

Subject: connecting

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Samantha- Please meet Brad Viator from EEI. Brad, Samantha is able to help you on the 25th. Ill let you two connect to chat audience and logistics. Thanks so much,
Marie

Message

From: Viator, Brad [BViator@eei.org]
Sent: 10/25/2017 12:00:40 AM
To: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
CC: Shea, Quin [QShea@eei.org]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: S. Dravis - Bio

Flag: Follow up

Just making sure we're good for tomorrow. And want to hear if you guys selected questions.

Brad Viator
Edison Electric Institute

Ex. 6

Sent from my iPhone

On Oct 23, 2017, at 10:05 AM, Kime, Robin <Kime.Robin@epa.gov> wrote:

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Good morning.
Below is Samantha's bio.
Take care.

Samantha Dravis

Samantha Dravis serves as Senior Counsel and Associate Administrator, Office of Policy at the U.S. Environmental Protection Agency, where she is one of Administrator Scott Pruitt's key advisors. The Office of Policy is the primary policymaking arm of EPA, providing multi-disciplinary analytic skills, management support, and special expertise in the areas of regulatory policy and management, environmental economics, strategic environmental management, and sustainable communities.

Prior to serving at EPA, Samantha worked as General Counsel to the Republican Attorney Generals Association, and President of the Rule of Law Defense Fund, a policy organization dedicated to advancing the policy objectives of the 27 Republican state attorneys general, which often included the states' battles with President Obama's executive actions.

She has also previously served as Associate Director of Political Affairs at The White House during the administration of President George W. Bush, as Legislative Assistant to Congressman Dan Lungren of California, and as a litigation associate at the law firm Taft, Stettinius & Hollister.

Samantha was honored as one of this year's "Future 40" leaders in business, politics and entrepreneurship under 40 by Maverick PAC, an organization dedicated to advancing the next generation of conservative leaders.

Samantha is an honors graduate of the University of Kansas and the University of Notre Dame Law School, where she was Executive Solicitation Editor of the Notre Dame Journal of Law, Ethics, and Public Policy.

Message

From: Bridgeford, Tawny [TBridgeford@nma.org]
Sent: 10/3/2017 8:46:03 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Nolan, Rich [RNolan@nma.org]
Subject: FW: EPA Speaking Engagement
Attachments: Draft Agenda.doc

Will:

Answers to your questions below. Let me know if you need anything else!

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?

Draft preliminary agenda attached. We are still confirming one to two additional speakers as well as our Congressional Panel. The event is not open to the press.

2. How long would you like for Samantha to speak?

We have Samantha slated for an hour. 45 minutes plus time for Q&A if that works for Samantha.

3. What topics are of primary interest to the group?

We would be interested in hearing her perspective on the Administrator's priorities for the upcoming year on Clean Air Act (ozone, Clean Power Plan, New Source Review); Clean Water Act (WOTUS); CERCLA Financial Assurance; Superfund; and the Regulatory Review Initiative. We represent both coal and hardrock members so a balance of issues between those sectors would be great. Certainly let us know if more direction would be helpful. If there are emerging issues we are unaware of, we would be interested in those too!

4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?

We will have a podium with a microphone. The room is set up as classroom style for our members. We can accommodate a PowerPoint Presentation if that is of interest.

5. Who will be the POC for the day of the event?

Paige Rotunda will be at the reception desk at the venue (location in agenda). She can also reach me at Ex. 6 cell).

Let me know if you need anything further.

Tawny

Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001



Phone: (202) 463-2600
Direct: **Ex. 6**
tbridgeford@nma.org

From: Nolan, Rich
Sent: Tuesday, October 3, 2017 11:31 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: Fwd: EPA Speaking Engagement

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
Date: October 3, 2017 at 11:24:01 AM EDT
To: "Nolan, Rich" <RNolan@nma.org>
Cc: "Kime, Robin" <Kime.Robin@epa.gov>
Subject: EPA Speaking Engagement

Hello, Rich,

I am assembling materials ahead of Samantha's speaking engagement with NMA on October 17. Could you please provide the following information by COB today?:

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?
2. How long would you like for Samantha to speak?
3. What topics are of primary interest to the group?
4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?
5. Who will be the POC for the day of the event?

Thank you!

Will Lovell
Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov



Agenda

Environment Committee Meeting

**Renaissance Washington, D.C. Downtown Hotel
Mount Vernon A
999 Ninth Street, NW, Washington, D.C.**

Oct. 16 – 17, 2017

Monday, Oct. 16

Opening Session

7:30 a.m. – 8:30 a.m.	Registration & Breakfast
8:30 a.m. – 8:45 a.m.	Introductions
8:45 a.m. – 10:30 a.m.	NMA Review of Priorities and Status
10:30 a.m. – 11:00 a.m.	Networking Break

Speaker Session

11:00 a.m. – 12:00 p.m.	D. Lee Forsgren U.S. Environmental Protection Agency, Office of Water, Deputy Assistant Administrator
12:00 p.m. – 1:30 p.m.	Lunch <i>Speaker:</i> The State of Tailings Dam Safety Regulations in the States Charles F. Cobb, P.E., Alaska Department of Natural Resources, State Dam Safety Engineer
1:30 p.m. – 2:30 p.m.	Karen Hanley, Federal Permitting Improvement Steering Council, Senior Environmental Policy Advisor
2:30 p.m. – 3:30 p.m.	Chip Smith, U.S. Army Corps of Engineers, Office of the Assistant Secretary of the Army for Civil Works, Assistant for Environment, Tribal & Regulatory Affairs
3:30 p.m. – 3:45 p.m.	Break
3:45 p.m. – 4:45 p.m.	Jeff Morris, U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, Director

David Turk,
U.S. Environmental Protection Agency, Office of
Pollution Prevention and Toxics, Toxics Release
Inventory Program Division

4:45 p.m. – 6:30 p.m.

Networking Reception
Penn Quarter Room
Sponsored by:

Tuesday, Oct. 17

7:00 a.m. – 8:00 a.m.

Breakfast

8:00 a.m. – 9:00 a.m.

OPEN

9:00 a.m. – 10:30 a.m.

Congressional Panel

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:45 a.m.

Richard "Chet" Wayland
U.S. Environmental Protection Agency, Office of
Air Quality Planning & Standards, Director of the
Air Quality Assessment Division

11:45 a.m. – 12:45 a.m.

Samantha Dravis
U.S. Environmental Protection Agency; Office of
Policy; Senior Policy Counsel to the
Administrator and Associate Administrator for
Policy

12:45 p.m. – 1:00 p.m.

Wrap-Up Session

1:30 p.m. – 5:00 p.m.

UES Subcommittee Meeting
NMA Offices, 101 Constitution Ave., NW,
Washington, D.C.

Message

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 10/19/2017 5:43:23 PM
To: Viator, Brad [BViator@eei.org]
CC: Marie Sanderson [msanderson@50-state.com]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: Pre-call

Great - thx

From: Viator, Brad [mailto:BViator@eei.org]
Sent: Thursday, October 19, 2017 1:41 PM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Marie Sanderson <msanderson@50-state.com>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: Pre-call

I've got another call scheduled at 2. Would 230 Work?

Brad Viator
Edison Electric Institute

Ex. 6

Sent from my iPhone

On Oct 19, 2017, at 1:37 PM, Kime, Robin <Kime.Robin@epa.gov> wrote:

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Hi- Will you send a meeting schedule for 2:00 tomorrow (changed from my previous request).

From: Dravis, Samantha
Sent: Thursday, October 19, 2017 1:36 PM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

Yes, Robin can let you know what the best time to do a pre-call will be.

From: Viator, Brad [mailto:BViator@eei.org]
Sent: Thursday, October 19, 2017 11:09 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

I get that. Let me confirm. It could also be Quin. And the goal is to hear what you guys are focusing on and want to achieve. Can you jump on the phone say tomorrow or Monday to go over this a bit?

Thx.

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, October 19, 2017 11:06 AM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

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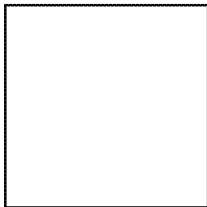
That's fine! I'm just not good at long speeches – I don't have 30 minutes worth of "speech" material. 10-15 max.

From: Viator, Brad [<mailto:BViator@eei.org>]
Sent: Thursday, October 19, 2017 11:02 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

Would you be open to 10 minutes of comments and then say moderated questions from me or Tom Kuhn that you'd have beforehand? And then audience questions? And there is no press. It's a friendly audience generally, but all political stripes are represented so I'd treat it more like an open meeting.

Here's the announcement that went out this morning and the agenda can be found [here](#).

If you are having any difficulty viewing this message view the [mobile friendly web version](#).



REMINDER



Powering Engagement:
The EEI External Affairs Conference
October 24-25, 2017 | Washington, D.C.

We are happy to announce Samantha Dravis, EPA's Senior Counsel and Associate Administrator for its Office of Policy, as our headline speaker to open Wednesday October 25th, the second day of our conference.

For additional details, please refer to our finalized agenda available [here](#). If you haven't registered for the conference please use the following [link](#). If you're in need of a hotel room please contact Teerah Goodrum at the email below to reserve a space.

Once again, the External Affairs team will **host a group dinner on Tuesday, October 24th**, immediately following the evening reception. I hope that you will join your industry colleagues at Bar Deco for the evening. We plan to depart from the 4th floor lobby at 6:15pm and walk to Bar Deco; the distance is .5miles. Please RSVP to Teerah at events@eei.org by COB on Monday, October 23.

Safe travels to the Nation's Capital, and we look forward to seeing you soon.

Thank you,

Brad Viator
Executive Director, External Affairs
Edison Electric Institute
Ex. 6 (direct)
(mobile)
bviator@eei.org

701 Pennsylvania Ave., N.W. | Washington D.C. 20004-2696 | 202-508-5000 |

This message was sent to bwolff@eei.org. [Unsubscribe](#) from this list.

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, October 19, 2017 10:46 AM
To: Viator, Brad <BViator@eei.org>; Marie Sanderson <msanderson@50-state.com>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: connecting

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Brad,

I generally won't do 20-30 minutes of remarks. I am happy to do 10 and then 25 for discussion.

Robin can coordinate timing – thank you!

From: Viator, Brad [<mailto:BViator@eei.org>]
Sent: Tuesday, October 17, 2017 9:57 AM
To: Marie Sanderson <msanderson@50-state.com>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: connecting

Samantha,

Here is an agenda with a bit more detail. Let me know what you think and if you'd like to chat through it. But I think this is an opportunity for you guys to talk about your vision in your own words to our entire industry. I know there will be interest from our folks, particularly given recent activity, so I think we allot 20-30 mins of comments from you and 15-20 of discussion.

Thanks.

-Brad

From: Marie Sanderson [<mailto:msanderson@50-state.com>]
Sent: Monday, October 16, 2017 11:49 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Viator, Brad <BViator@eei.org>
Subject: connecting

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Samantha- Please meet Brad Viator from EEI. Brad, Samantha is able to help you on the 25th. Ill let you two connect to chat audience and logistics. Thanks so much,
Marie

Message

From: Bridgeford, Tawny [TBridgeford@nma.org]
Sent: 10/11/2017 6:54:10 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Will]
Subject: NMA Agenda
Attachments: Agenda.pdf

Will: Updated agenda attached.



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: Ex. 6
tbridgeford@nma.org



Agenda

Environment Committee Meeting

**Renaissance Washington, D.C. Downtown Hotel
Mount Vernon A
999 Ninth Street, NW, Washington, D.C.**

Oct. 16 – 17, 2017

Monday, Oct. 16

Opening Session

7:30 a.m. – 8:30 a.m.	Registration & Breakfast
8:30 a.m. – 8:45 a.m.	Introductions
8:45 a.m. – 10:30 a.m.	NMA Review of Priorities and Status
10:30 a.m. – 11:00 a.m.	Networking Break

Speaker Session

11:00 a.m. – 12:00 p.m.	D. Lee Forsgren U.S. Environmental Protection Agency, Office of Water, Deputy Assistant Administrator
12:00 p.m. – 1:30 p.m.	Lunch <i>Speaker:</i> The State of Tailings Dam Safety Regulations in the States Charles F. Cobb, P.E., Alaska Department of Natural Resources, State Dam Safety Engineer
1:30 p.m. – 2:30 p.m.	Karen Hanley, Federal Permitting Improvement Steering Council, Senior Environmental Policy Advisor
2:30 p.m. – 3:30 p.m.	Chip Smith, U.S. Army Corps of Engineers, Office of the Assistant Secretary of the Army for Civil Works, Assistant for Environment, Tribal & Regulatory Affairs
3:30 p.m. – 3:45 p.m.	Break
3:45 p.m. – 4:45 p.m.	Jeff Morris, U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, Director

David Turk,
U.S. Environmental Protection Agency, Office of
Pollution Prevention and Toxics, Toxics Release
Inventory Program Division, Chief of the
Regulatory Development Branch

4:45 p.m. – 6:30 p.m.

Networking Reception
Penn Quarter Room

Tuesday, Oct. 17

7:00 a.m. – 8:00 a.m.

Breakfast
Sponsored by:

VENABLE_{LLP}

8:00 a.m. – 9:00 a.m.

Katharine MacGregor,
U.S. Department of the Interior, Acting Assistant
Secretary for Lands and Minerals Management

9:00 a.m. – 10:30 a.m.

Congressional Panel

Chris Tomassi
Professional Staff
Senate Committee on Appropriations

Elizabeth Horner
Majority Counsel for Air and Climate
Senate Committee on Environment & Public
Works

Lane Dixon
Professional Staff
Senate Committee on Energy and Natural
Resources

Andrew Vecera
Staff Director
Subcommittee on Energy and Mineral Resources
House Committee on Natural Resources

Joseph Brazauskas
Staff Director and Senior Counsel
Subcommittee on Environment
House Committee on Science, Space and
Technology

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:45 a.m.	Richard "Chet" Wayland U.S. Environmental Protection Agency, Office of Air Quality Planning & Standards, Director of the Air Quality Assessment Division
11:45 a.m. – 12:15 a.m.	Samantha Dravis U.S. Environmental Protection Agency; Office of Policy; Senior Policy Counsel to the Administrator and Associate Administrator for Policy
12:15 p.m. – 12:30 p.m.	Wrap-Up Session
1:30 p.m. – 5:00 p.m.	UES Subcommittee Meeting NMA Office , 101 Constitution Ave., NW, Washington, D.C.

Message

From: Bridgeford, Tawny [TBridgeford@nma.org]
Sent: 10/11/2017 3:43:50 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: NMA Environment Committee RSVP
Attachments: NMA 2017 Fall Environment Committee Meeting Attendees List.xlsx

As requested. Let me know if you need anything else.



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Ex. 6**
tbridgeford@nma.org

NATIONAL MINING ASSOCIATION 2017 FALL ENVIRONMENT COMMITTEE MEETING					
ATTENDEES LIST					
First Name	Last Name	Name	Title	Company	E-mail
Ali	Alavi	Ali	Sr. VP - Corp & Environmental Affairs	American Zinc Recycling Corp.	aalavi@azr.com
Mark	Compton	Mark	President	Utah Mining Association	mcompton@utahmining.org
Adam	Diamond	Adam	Manager Government Relations	Agrium US Inc.	adam.diamond@agrium.com
Steve	Fecht	Steve	Managing Consultant	Ramboll Environ	sfecht@ramboll.com
Joe	Friedlander	Joe	Director of Environmental and Regulatory Affairs	The North American Coal Corp.	joe.friedlander@nacoal.com
Jay	Gear	Jay	Corporate Environmental Director	Coeur Mining, Inc.	jgear@coeur.com
Thomas	Henrie	Tom	Engineering and Maintenance Manager	Materion Natural Resources	thomas.henrie@materion.com
Ronald	Janke	Ron		Materion Natural Resources	ronaldjanke@gmail.com
Nils	Johnson	Nils	Director, Legislative and Regulatory Affairs	Holland & Hart LLP	nwjohnson@hollandhart.com
John Paul	Jones	John Paul	VP Environmental Affairs	Contura Energy	john.jones@conturaenergy.com
Martin	Jones	Martin	Senior Counsel - Environmental	Freeport-McMoRan/Americas	mjones@fmi.com
Doug	Lempke	Doug	Sr. Environmental Policy Analyst	Tri-State Generation & Transmission Association	dlempke@tri-stategt.org
Heath	Lovell	Heath	VP Public Affairs	Alliance Coal, LLC	heath.lovell@arlp.com
Ben	Machlis	Ben	Partner	Dorsey & Whitney LLP	machlis.ben@dorsey.com
James	Meier	Jim	VP Environmental Affairs	Arch Coal	jmeier@archcoal.com
Oscar	Paulson	Oscar	Facility Supervisor	Kennecott Uranium Company	oscar.paulson@riotinto.com
Alan	Prouty	Alan	VP Sustainability & Regulatory Affairs	J.R. Simplot Company	alan.prouty@simplot.com
Gerald	Roose	Jerry	Director, North American Environmental Operations	Freeport-McMoRan/Americas	jroose@fmi.com
Steve	Schnoor	Steve	Manager - Environment, Land and Water	Rio Tinto Kennecott	steve.schnoor@riotinto.com
Cynthia	Seaton	Cynthia	Chief Operating Officer	Thompson & Pugsley, PLLC	cseaton@athompsonlaw.com
Lorali	Simon	Lorali	VP External Affairs	Usibelli Coal Mine, Inc.	lorali@usibelli.com
Bruce	Stevens	Bruce	President	Indiana Coal Council	bruce@indianacoal.com
Fred	Wallis	Fred	VP, Engineering	Usibelli Coal Mine, Inc.	fredw@usibelli.com
Todd	Weaver	Todd	Senior Counsel	Freeport-McMoRan/Americas	tweaver1@fmi.com
Bryce	West	Bryce	VP, Environmental Services	Peabody Energy Corporation	bwest@peabodyenergy.com
Mike	Satre	Mike	Manager, Govt and Community Relations	Hecla Mining Company	Msatre@hecla-mining.com
Skip	Stephens	Skip	Washington Counsel	Komatsu Mining Corp.	sstephens@congresslaw.net
Robert	McLusky	Bob	Member	Jackson Kelly	rmclusky@jacksonkelly.com
William	Prince	William	Partner	Dorsey & Whitney LLP	prince.william@dorsey.com
Bradley	Brasfield	Brad	Senior Environmental Engineer	Warrior Met Coal, Inc.	brad.brasfield@warriormetcoal.com
Kathryn	Floyd	Kathryn	Attorney	Venable LLP	kkfloyd@venable.com
Deantha	Crockett	Deantha	Executive Director	Alaska Miners Association	deantha@alaskaminers.org
Raymond	Ashcraft	Rusty	Manager, Governmental Affairs & Environmental Policy	Alliance Coal, LLC	Rustya@arlp.com
Chad	Baker	Chad	Attorney	Parsons, Behle & Latimer	kelly.weir@cbtravel.com
Richard	Bark	Richard	Dir., Government Relations & Env Counsel	Freeport-McMoRan	rbark@fmi.com
Dan	Barron	Dan	Director, Public Policy	Alliance Coal, LLC	dan.barron@arlp.com
James	Boswell	Jimmy	Sr. Manager, Environmental	Peabody Energy Corporation	jboswell@peabodyenergy.com
Bradley	Brasfield	Bradley	Senior Environmental Engineer	Warrior Met Coal, Inc.	brad.brasfield@warriormetcoal.com
Rachel	Gleason	Rachel	Executive Director	PA Coal Alliance	gleason@pacoal.org
William	Goranson	William	Executive Vice President	Energy Fuels Resources	pgoranson@energyfuels.com
Kelly	Payne	Kelly	Principal Advisor - Group Environment	Rio Tinto	kelly.payne@riotinto.com

Ronald	Rimelman	Ronald	VP Environment, Health, Safety & Sustainability	NovaGold Resources	rron.rimelman@novagold.com
Ronda	Sandquist	Ronda	Attorney	Brownstein Hyatt Farber Schreck, LLP	rsandquist@bhfs.com
Darryl	Maunder	Darryl	Manager, Environmental and Regulatory Affairs	Cloud Peak Energy	darryl.maunder@cdpk.com
Jochim	Christine	Jochim	Attorney	Brownstein Hyatt Farber Schreck, LLP	cjochim@bhfs.com
Chris	Hansen	Chris	Director of Regulatory Compliance and Government Relations	Bowie Resource Partners, LLC	chansen@bowieresources.com
Chelsea	O'Sullivan	Chelsea	Associate	Venable LLP	ceosullivan@venable.com
Maggie	Fawal	Maggie	Associate	Venable LLP	mfawal@venable.com
Christopher	Pugsley	Chris	Partner	Thompson & Pugsley, PLLC	cpugsley@athompsonlaw.com
Karen C.	Bennett	Karen	Member	Clark Hill PLC	kbennett@clarkhill.com
Samuel	Brown	Sam	Senior Attorney	Hunton & Williams LLP	slbrown@hunton.com
Mitchell	Mataya	Mitchell	Senior Counsel	Warrior Met Coal, Inc.	mitchell.mataya@warriormetcoal.com
Eric	Syrstad	Eric	Manager, Environment	Agrium US Inc.	eric.syrstad@agrium.com
Patrick	Malone	Patric	VP, Permitting and Mine Closure	Barrick Gold Corporation	pmalone@barrick.com
Jay	Johnson	Jay	Counsel	Venable LLP	jcjohnson@venable.com
Kyle	Robisch	Kyle	Attorney	Venable LLP	kwrobisch@venable.com
Rachel	Rogier	Rachel	Federal Affairs Representative	Arch Coal, Inc.	rrogier@archcoal.com
Amanda	Crawford	Amanda	Law Clerk	Venable LLP	alcrawford@venable.com
J. Tom	Boer	Tom	Partner	Hunton & Williams LLP	JTBoer@hunton.com
Deidre	Duncan	Deidre	Partner	Hunton & Williams LLP	dduncan@hunton.com
Bob	Maynard	Bob	Partner	Perkins Coie LLP	bmaynard@perkinscoie.com

Message

From: Bridgeford, Tawny [TBridgeford@nma.org]
Sent: 10/5/2017 4:13:29 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Nolan, Rich [RNolan@nma.org]
Subject: RE: EPA Speaking Engagement

Yes, we can make that work. Thanks!

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Thursday, October 5, 2017 11:18 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Nolan, Rich <RNolan@nma.org>
Subject: RE: EPA Speaking Engagement

Tawny,

Thank you very much for all this information. Ms. Dravis has asked to speak for 15 minutes then open it up for Q&A. Does that work for you?

We will be sure to let you know if we need anything else. In the meantime, please find attached a photo of Ms. Dravis as well as her professional biography.

Thank you,

Will

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Tuesday, October 3, 2017 4:46 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Nolan, Rich <RNolan@nma.org>
Subject: FW: EPA Speaking Engagement

Will:

Answers to your questions below. Let me know if you need anything else!

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?

Draft preliminary agenda attached. We are still confirming one to two additional speakers as well as our Congressional Panel. The event is not open to the press.

2. How long would you like for Samantha to speak?

We have Samantha slated for an hour. 45 minutes plus time for Q&A if that works for Samantha.

3. What topics are of primary interest to the group?

We would be interested in hearing her perspective on the Administrator's priorities for the upcoming year on Clean Air Act (ozone, Clean Power Plan, New Source Review); Clean Water Act (WOTUS); CERCLA Financial Assurance; Superfund; and the Regulatory Review Initiative. We represent both coal and hardrock members so a balance of issues between those sectors would be great. Certainly let us know if more direction would be helpful. If there are emerging issues we are unaware of, we would be interested in those too!

4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?

We will have a podium with a microphone. The room is set up as classroom style for our members. We can accommodate a PowerPoint Presentation if that is of interest.

5. Who will be the POC for the day of the event?

Paige Rotunda will be at the reception desk at the venue (location in agenda). She can also reach me at Ex. 6

Ex. 6

Let me know if you need anything further.

Tawny



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: Ex. 6
tbridgeford@nma.org

From: Nolan, Rich
Sent: Tuesday, October 3, 2017 11:31 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: Fwd: EPA Speaking Engagement

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
Date: October 3, 2017 at 11:24:01 AM EDT
To: "Nolan, Rich" <RNolan@nma.org>
Cc: "Kime, Robin" <Kime.Robin@epa.gov>
Subject: EPA Speaking Engagement

Hello, Rich,

I am assembling materials ahead of Samantha's speaking engagement with NMA on October 17. Could you please provide the following information by COB today?:

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?
2. How long would you like for Samantha to speak?
3. What topics are of primary interest to the group?
4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?
5. Who will be the POC for the day of the event?

Thank you!

Will Lovell

Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/15/2018 12:33:19 PM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues

Let's do 11.

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Tuesday, August 14, 2018 9:21 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues
Importance: High

Will: Sorry for not responding sooner, but I had to check a lot of schedules. Our team is available between 9 a.m. and noon, inclusive, so basically any start time between 9 and 11:15 will work for us. Let me know what works for Brittany. Thanks, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Tuesday, August 14, 2018 1:27 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Quin,

Monday looks like it will work. What time works before 2 pm?

Thanks,
Will

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Tuesday, August 14, 2018 9:20 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

Hi Will. Per our last conversation, attached just for background purposes are EEI's recent comments on groundwater/hydrologic connection-related issues. Let me know what options may be available for a rescheduled session with Brittany. Probable attendees for the EEI meeting include the following:

- Quinlan Shea, VP, Environment and Natural Resources
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- Rich Bozek, Director, Environmental Policy
- Riaz Mohammed, Manager, Environmental Affairs

- Henri Bartholomot, Associate General Counsel

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 13, 2018 4:12 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Quin,

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Also, do you plan to have any others in your party? And are there any read-ahead materials you could provide ahead of time?

Thank you,
Will

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Sent from my iPhone

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Quin,

Let's say 10:45 am.

Thanks,
Will

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Friday, August 10, 2018 6:15 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

Thanks again Will. August 15, between 10:30 and noon inclusive is our requested window, so please lock in a slot and let me know. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
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Sent: Tuesday, August 07, 2018 5:24 PM
To: Shea, Quin <QShea@eei.org>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

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Thank you, Quinn. We will get back to you as soon as possible.

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To: Lovell, Will (William) <lovell.william@epa.gov>
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Subject: RE: Groundwater Issues

Will: Here is EEI's meeting request form. Let me know if this will suffice, and thanks in advance for your help shepherding this through the process. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/14/2018 5:27:16 PM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues

Quin,

Monday looks like it will work. What time works before 2 pm?

Thanks,
Will

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Subject: RE: Groundwater Issues

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- Quinlan Shea, VP, Environment and Natural Resources
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- Rich Bozek, Director, Environmental Policy
- Riaz Mohammed, Manager, Environmental Affairs
- Henri Bartholomot, Associate General Counsel

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 13, 2018 4:12 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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From: Lovell, Will (William)
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To: 'Shea, Quin' <QShea@eei.org>
Subject: RE: Groundwater Issues

Quin,

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Also, do you plan to have any others in your party? And are there any read-ahead materials you could provide ahead of time?

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Will do, thanks.

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Quin,

Let's say 10:45 am.

Thanks,
Will

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Friday, August 10, 2018 6:15 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

Thanks again Will. August 15, between 10:30 and noon inclusive is our requested window, so please lock in a slot and let me know. Best, Quin

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Sent: Friday, August 10, 2018 4:48 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

thx

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Sorry, Quin. Trying to pin down one more meeting on the Administrator's calendar then I'll be good to reach out to you with times.

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Sent: Tuesday, August 07, 2018 5:24 PM
To: Shea, Quin <QShea@eei.org>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

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Thank you, Quinn. We will get back to you as soon as possible.

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From: Lovell, Will (William) <lovell.william@epa.gov>

Sent: Monday, August 06, 2018 5:01 PM

To: Shea, Quin <QShea@eei.org>

Subject: RE: Groundwater Issues

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Howdy, Quin,

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Thank you,
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Sent: Monday, August 6, 2018 8:16 AM

To: Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Lovell, Will (William) <lovell.william@epa.gov>

Subject: Groundwater Issues

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Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/13/2018 8:11:35 PM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues

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qshea@eei.org

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Sent: 8/13/2018 12:17:58 AM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues

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Thanks,
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thx

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Subject: Re: Groundwater Issues

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Sent: Tuesday, August 7, 2018 12:20 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

Will: Here is EEI's meeting request form. Let me know if this will suffice, and thanks in advance for your help shepherding this through the process. Best, Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

Good morning Brittany. Congratulations again on your appointment. OP plays a critical role in the development of myriad important public policy issues, so we're thrilled the shop is in such capable hands. This is just a quick note to follow up on our brief conversation regarding groundwater, hydrologic connection and related issues, and your availability to meet with the EEI team. Let me know if you are still interested, and if so, some potential windows that work at your end. Best, Quin

Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004
Ex. 6
qshea@eei.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/10/2018 8:48:03 PM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues

We just got confirmation! How do the following dates/times look for you?:

8/14 after 3:30 pm

8/15, 10:30 am – 3 pm

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Friday, August 10, 2018 3:56 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Groundwater Issues

thx

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Friday, August 10, 2018 3:55 PM
To: Shea, Quin <QShea@eei.org>
Subject: Re: Groundwater Issues

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Sorry, Quin. Trying to pin down one more meeting on the Administrator's calendar then I'll be good to reach out to you with times.

Sent from my iPhone

On Aug 10, 2018, at 3:51 PM, Shea, Quin <QShea@eei.org> wrote:

Hi Will. Any update on when we may be able to close on a potential meeting time with Brittany? Thanks, and have a good weekend. Quin

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Tuesday, August 07, 2018 5:24 PM
To: Shea, Quin <QShea@eei.org>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Thank you, Quinn. We will get back to you as soon as possible.

From: Shea, Quin [<mailto:QShea@eei.org>]
Sent: Tuesday, August 7, 2018 12:20 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

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Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

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Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004
Ex. 6
qshea@eei.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 5/25/2018 1:31:04 PM
To: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Subject: RE: Meeting request- Brittany and Nancy next Thursday, the 31st

Bryan,

Following-up: did you have a list of guests or any handouts to provide?

Thank you,
Will

-----Original Message-----

From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
Sent: Tuesday, May 22, 2018 5:34 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st

Perfect. Thank you.

Sent from my iPhone

> On May 22, 2018, at 5:31 PM, Lovell, will (William) <lovell.william@epa.gov> wrote:
>
> North. Please see logistics below. We will reach out to you closer to the date for a guest list and any handouts you plan to provide.

>
> Best,
> Will

>
> Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station. Please arrive 10 minutes prior to the meeting with photo ID to clear Security.

>
> EPA Contact: For an escort from Security to the meeting call (202) 564-4332; for all other matters call Robin Kime (202)564-6587.

> -----Original Message-----

> From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
> Sent: Tuesday, May 22, 2018 5:18 PM
> To: Lovell, Will (William) <lovell.william@epa.gov>
> Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st

> Perfect. We'll be there. South or north entrance? And thank you!

> Sent from my iPhone

>> On May 22, 2018, at 5:13 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

>> Howdy, Bryan. How about 12:15 pm on 5/30?

>> -----Original Message-----

>> From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
>> Sent: Tuesday, May 22, 2018 11:17 AM
>> To: Lovell, Will (William) <lovell.william@epa.gov>
>> Subject: Re: Meeting request- Brittany and Nancy next Thursday, the 31st

>> Will,

>> Sorry for circling back already, but I think Wednesday, the 30th may work even better. Any spots available on the 30th instead?

>> Let me know and thank you, Bryan

>> Sent from my iPhone

>>> On May 21, 2018, at 6:08 PM, Zumwalt, Bryan <Bryan_Zumwalt@americanchemistry.com> wrote:

>>> Hello Will,

>>>

>>> I hope all is well over at EPA and life is good for you generally. Was hoping to get a couple of people in to meet with Brittany and Nancy next week. Realize we may even have to push it back one more week, but if there's a chance at all we can meet on the afternoon of Thursday the 31st that would be great?

>>>

>>> Let me know and thank you, Bryan

>>>

>>> Sent from my iPhone

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Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 5/22/2018 9:31:33 PM
To: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Subject: RE: Meeting request- Brittany and Nancy next Thursday, the 31st

North. Please see logistics below. We will reach out to you closer to the date for a guest list and any handouts you plan to provide.

Best,
Will

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station. Please arrive 10 minutes prior to the meeting with photo ID to clear Security.

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Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/6/2018 9:01:24 PM
To: Shea, Quin [QShea@eei.org]
Subject: RE: Groundwater Issues
Attachments: BB Meeting Request Form.doc

Howdy, Quin,

Thanks for reaching out. I got your voicemail earlier – please accept my apologies for my delayed response! Could you please fill out the attached request form for meeting with Brittany? From there we should be able to process it over here.

Thank you,
Will

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Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

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Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
qshea@eei.org



Meeting Request Form

Today's Date:

Requesting Group:

Purpose:

Role of the Associate Administrator:

Background:

Recent meetings with EPA:

Requested Date of Meeting:

Requested Duration (typically 30 minutes):

Point of Contact for Meeting (Name/Number):

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 3/2/2018 2:47:16 PM
To: Foley, Allison D. [ADFoley@Venable.com]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
CC: jim.roewer@uswag.org; Peter E. Harley [peter.harley@nationalgrid.com]
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hello, all,

I wanted to check-in to see if you had a list of attendees for this meeting and/or any materials you could provide us with ahead of the meeting.

Thank you,
Will

From: Foley, Allison D. [mailto:ADFoley@Venable.com]
Sent: Tuesday, February 13, 2018 12:46 PM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Thanks very much, Robin.

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Tuesday, February 13, 2018 12:45 PM
To: Foley, Allison D. <ADFoley@Venable.com>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi,
Thank you. This is confirmed for 3/6 at 3:00 p.m. – a meeting invitation was just sent to you all. We have the initial information you sent along in your request, if you'd like to add anything or have any questions, just send me an email. Thanks and take care.

From: Foley, Allison D. [mailto:ADFoley@Venable.com]
Sent: Tuesday, February 13, 2018 10:52 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>; jim.roewer@uswag.org; Peter E. Harley <peter.harley@nationalgrid.com>
Subject: RE: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hello Robin,

We are available to meet with Samantha at 3:00 pm on March 6. If that date is no longer available, we can also meet on March 2 (either time). I will be joined by Jim Roewer, Executive Director of USWAG, and Peter Harley (National Grid), chair of the USWAG PCB Committee. Both are copied here.

Please confirm meeting details and please let me know if you need any additional information from us in advance of the meeting. Thank you.

Best,

Allison

O: **Ex. 6**
C:

From: "Kime, Robin" <Kime.Robin@epa.gov>

Sent: Feb 12, 2018 12:52 PM

To: "Foley, Allison D." <ADFoley@Venable.com>

Cc: "Lovell, Will (William)" <lovell.william@epa.gov>

Subject: FW: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Hi Allison,

I hope you are well. Samantha would be glad to meet with you. Would any of the following dates/times work for your schedule?

2/22 at 1:30 or 2:00 or 2:30 or 3:00

2/23 at 2:00 or 2:30 or 3:00

3/2 at 11:00 or 11:30

3/6 at 3:00

If it helps, I can propose additional dates. Thanks and take care.

Robin

From: Foley, Allison D. [mailto:]

Sent: Monday, January 29, 2018 2:34 PM

To: Kime, Robin <Kime.Robin@epa.gov>

Subject: Following up: Request to meet regarding EO 13777 comments -- PCB regulatory reform and burden reduction

Dear Ms. Kime:

I'm writing on behalf of the Utility Solid Waste Activities Group (USWAG) to follow up on a letter sent to Ms. Samantha Dravis in December regarding USWAG's comments on Executive Order 13777 (copy of December letter attached). In particular, we request a meeting with Ms. Dravis to discuss specific comments regarding regulatory reform and burden reduction in the context of the federal PCB program administered by EPA under TSCA, and the corresponding regulations set forth at 40 C.F.R. Part 761.

Of particular urgency are requests for:

- Clarification of the PCB disposal regulations at 40 C.F.R. § 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of <50 ppm PCB in non-TSCA landfills (see Exhibit A at 10-11); and
- Modification of the PCB analytical rules throughout 40 C.F.R. Part 761 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and

composite samples (currently the automated soxhlet extraction method, Method 3541, though these methods are constantly evolving and the regulatory text should therefore allow for use of whatever the most current method is at any particular time).

We are requesting a meeting to discuss these regulatory amendments which would eliminate unnecessary and costly regulatory burdens and logistical challenges that significantly delay PCB cleanup projects, without any risk-based justification. The requested regulatory changes are consistent with EO 13777 and the objectives of EPA's Smart Sector Initiative as they would not only reduce unnecessary regulatory burden but will improve environmental outcomes by streamlining and accelerating PCB cleanup projects and associated compliance efforts by electric and gas utilities.

Please advise if Ms. Dravis has availability for a meeting in the second half of February. Please let me know if you have any questions or need more information from me. Thank you for your attention to this.

Best,

Allison D. Foley, Esq. | Venable LLP
t | Ex. 6 | 202.344.8300 | Ex. 6
600 Massachusetts Avenue, NW, Washington, DC 20001

ADFoley@Venable.com | www.Venable.com

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Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 8/7/2018 9:24:26 PM
To: Shea, Quin [QShea@eei.org]
CC: Trueheart, Cynthia [CTrueheart@eei.org]; Mohammed, Riaz [rmohammed@eei.org]
Subject: RE: Groundwater Issues

Thank you, Quinn. We will get back to you as soon as possible.

From: Shea, Quin [mailto:QShea@eei.org]
Sent: Tuesday, August 7, 2018 12:20 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Trueheart, Cynthia <CTrueheart@eei.org>; Mohammed, Riaz <rmohammed@eei.org>
Subject: RE: Groundwater Issues

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Sent: Monday, August 06, 2018 5:01 PM
To: Shea, Quin <QShea@eei.org>
Subject: RE: Groundwater Issues

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Sent: Monday, August 6, 2018 8:16 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Groundwater Issues

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Quinlan J. Shea, III (Quin)
Vice President
Environment and Natural Resources
Edison Electric Institute

701 Pennsylvania Avenue, NW
Washington, DC 20004

Ex. 6
gshea@eei.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 1/3/2018 6:06:21 PM
To: Birsic, Michael J. (MPC) [mjbirsic@marathonpetroleum.com]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: [EXTERNAL] EPA Meetings

Thank you, Mike.

From: Birsic, Michael J. (MPC) [mailto:mjbirsic@marathonpetroleum.com]
Sent: Wednesday, January 3, 2018 1:05 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: [EXTERNAL] EPA Meetings

Will,

Here is our presentation for tomorrow.

Mike

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Tuesday, January 02, 2018 10:39 AM
To: Birsic, Michael J. (MPC)
Cc: Kime, Robin
Subject: [EXTERNAL] EPA Meetings

Good morning and happy New Year, Mike,

I am gathering materials for your meetings with EPA tomorrow and the day after. I already have the list of attendees you provided. Are there any read-ahead materials you would like to provide?

Thank you,

Will Lovell
Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 1/2/2018 3:38:39 PM
To: mjbirsic@marathonpetroleum.com
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: EPA Meetings

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Thank you,

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Policy Advisor, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

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From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 2/8/2018 4:23:00 PM
To: Hulse, Leslie [Leslie_Hulse@americanchemistry.com]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: Advance materials for 2/8

Thank you, Leslie.

From: Hulse, Leslie [mailto:Leslie_Hulse@americanchemistry.com]
Sent: Thursday, February 8, 2018 11:22 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Advance materials for 2/8

Will,

Let me try and reach the other participants and get back to you ASAP.

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel
leslie_hulse@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: Ex. 6
www.americanchemistry.com

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Thursday, February 08, 2018 11:21 AM
To: Hulse, Leslie
Cc: Kime, Robin
Subject: RE: Advance materials for 2/8

Leslie,

I am very sorry to ask, but would it be possible to reschedule? An unavoidable schedule conflict has come up for Samantha. Other times that work are 1:00 pm on 2/15 or the following Tuesday or Wednesday. If the group is unable to attend in-person, we could also arrange a phone call.

I apologize again for the late notice.

Thank you,
Will

From: Hulse, Leslie [mailto:Leslie_Hulse@americanchemistry.com]
Sent: Wednesday, February 7, 2018 2:51 PM
To: Corona, Elizabeth <Corona.Elizabeth@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Lovell, Will (William)

<lovell.william@epa.gov>

Subject: RE: Advance materials for 2/8

Robin and Will,

Attached please find a one page hand-out that PolyOne intends to use in its 1PM meeting tomorrow with the Office of Policy. If you would provide this to Samantha Dravis and Brittany Bolen (and any other anticipated EPA attendees) at your earliest convenience, we would be most appreciative. Thank you – and thank you Elizabeth.

Regards,
Leslie

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel

leslie_hulse@americanchemistry.com

700 2nd Street, NE | Washington, DC | 20002

O: Ex. 6

www.americanchemistry.com

From: Corona, Elizabeth [<mailto:Corona.Elizabeth@epa.gov>]

Sent: Wednesday, February 07, 2018 11:32 AM

To: Kime, Robin; Lovell, Will (William)

Cc: Hulse, Leslie

Subject: Advance materials for 2/8

Hi Robin and Will - I'm writing to connect you to Leslie Hulse (cc'd) from ACC. Leslie will be sending over some materials in advance of the PolyOne meeting tomorrow. I was told the two of you are the best people for her to send them to. - Best, Elizabeth

--
Elizabeth Corona, PhD, MBA
Office of Policy | EPA Smart Sectors Program
U.S. Environmental Protection Agency

(Desk) Ex. 6
(Cell)

+++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

+++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 2/8/2018 4:21:12 PM
To: Hulse, Leslie [Leslie_Hulse@americanchemistry.com]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: Advance materials for 2/8

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Thank you,
Will

From: Hulse, Leslie [mailto:Leslie_Hulse@americanchemistry.com]
Sent: Wednesday, February 7, 2018 2:51 PM
To: Corona, Elizabeth <Corona.Elizabeth@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Advance materials for 2/8

Robin and Will,

Attached please find a one page hand-out that PolyOne intends to use in its 1PM meeting tomorrow with the Office of Policy. If you would provide this to Samantha Dravis and Brittany Bolen (and any other anticipated EPA attendees) at your earliest convenience, we would be most appreciative. Thank you – and thank you Elizabeth.

Regards,
Leslie

Leslie A. Hulse | American Chemistry Council
Assistant General Counsel
leslie_hulse@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O **Ex. 6**
www.americanchemistry.com

From: Corona, Elizabeth [mailto:Corona.Elizabeth@epa.gov]
Sent: Wednesday, February 07, 2018 11:32 AM
To: Kime, Robin; Lovell, Will (William)
Cc: Hulse, Leslie
Subject: Advance materials for 2/8

Hi Robin and Will - I'm writing to connect you to Leslie Hulse (cc'd) from ACC. Leslie will be sending over some materials in advance of the PolyOne meeting tomorrow. I was told the two of you are the best people for her to send them to. - Best, Elizabeth

--

Elizabeth Corona, PhD, MBA
Office of Policy | EPA Smart Sectors Program
U.S. Environmental Protection Agency

(Desk) **Ex. 6**
(Cell)

+++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/23/2017 9:33:02 PM
To: Viator, Brad [BViator@eei.org]
CC: Gannon, Mary Randolph [mgannon@eei.org]
Subject: RE: ev_event_registrant_by_company (2).pdf

Thank you, Brad.

From: Viator, Brad [mailto:BViator@eei.org]
Sent: Monday, October 23, 2017 5:31 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Gannon, Mary Randolph <mgannon@eei.org>
Subject: Re: ev_event_registrant_by_company (2).pdf

[https://images.magnetmail.net/images/clients/EEI_/attach/EEIPoweringEngagementConferenceAgenda\(2\).pdf](https://images.magnetmail.net/images/clients/EEI_/attach/EEIPoweringEngagementConferenceAgenda(2).pdf)

Try this one

Brad Viator
Edison Electric Institute

Ex. 6

Sent from my iPhone

On Oct 23, 2017, at 5:18 PM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact ITSupport@eei.org or ext. 5100.

Mimecast Attachment Protection has created safe copies of your attachments.

Thank, y'all. Please find attached the most updated agenda we have. Is this current?

-----Original Message-----

From: Gannon, Mary Randolph [mailto:mgannon@eei.org]
Sent: Monday, October 23, 2017 5:12 PM
To: Viator, Brad <BViator@eei.org>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: ev_event_registrant_by_company (2).pdf

I'm at **Ex. 6** cell) if needed.

> On Oct 23, 2017, at 5:10 PM, Viator, Brad <BViator@eei.org> wrote:

>

> Here is the reg list. And I'm the contact. Should you need a backup, Mary Randolph Gannon on my team is also available. My cell phone number is below.

>
> <ev_event_registrant_by_company (2).pdf>
>
>
> Brad Viator
> Edison Electric Institute
> **Ex. 6**
>
> Sent from my iPhone
<Mimecast Attachment Protection Instructions>
<EEI Agenda.pdf>

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/23/2017 9:18:27 PM
To: Gannon, Mary Randolph [mgannon@eei.org]; Viator, Brad [BViator@eei.org]
Subject: RE: ev_event_registrant_by_company (2).pdf
Attachments: EEI Agenda.pdf

Thank, y'all. Please find attached the most updated agenda we have. Is this current?

-----Original Message-----

From: Gannon, Mary Randolph [mailto:mgannon@eei.org]
Sent: Monday, October 23, 2017 5:12 PM
To: Viator, Brad <BViator@eei.org>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Re: ev_event_registrant_by_company (2).pdf

I'm at **Ex. 6** (cell) if needed.

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>

> <ev_event_registrant_by_company (2).pdf>

>

>

> Brad Viator

> Edison Electric Institute

> **Ex. 6**

>

> Sent from my iPhone

EEI Powering Engagement Conference

October 24-25, 2017

Edison Electric Institute

701 Pennsylvania Ave NW, Washington D.C. 20004

The EEI Powering Engagement conference is designed to provide electric power industry professionals with the latest information on major issues while also providing a forum for sharing strategies and tactics on engaging and communicating with customers, policymakers and other key stakeholders.

Participants are encouraged to come prepared to share their perspectives and to offer input on how EEI can continue to provide you with tools and resources to assist you in your ongoing efforts.

For your planning purposes, please know that registration will open at 11:30 a.m. on Tuesday, October 24, and the program should adjourn by 3 p.m. on Wednesday, October 25. Please know that there will be a social and networking event the evening of October 24.

If you are coming straight to EEI's offices from your travels, there is plenty of room to store your luggage on-site.

Final Agenda

Tuesday, October 24, 2017

- | | |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:00 a.m. | Meeting Registration is Open |
| 11:30 a.m. – 12:30 p.m. | Lunch |
| 12: 30 p.m. – 12:45 p.m. | Welcome and Industry Perspective - Tom Kuhn, EEI |
| 12:45p.m. – 1:30 p.m. | The Next EEI Initiatives - Brian Wolff, EEI
Overview of EEI and industry priorities and highlight next iteration of EEI tools and resources for member company engagement and advocacy. |
| 1:30 p.m. – 1:45 p.m. | Break |
| 1:45 p.m. – 2:45 p.m. | Smart City Initiative |

Moderator: Becky Knox, EEI

Speakers:

Matthew Jaramillo, Public Service New Mexico

John Smola, Alabama Power

Debra Dehaney Howard, US Conference of Mayors

Daniel Turton, General Motors

2:45 p.m. – 4:00 p.m. **Modernizing the Energy Grid**

Moderator: Brad Viator, EEI

Speakers:

Kiran Kumaraswamy, AES: Energy Storage

Simon Han, Southern California Edison: Data Analytics

Jon Nickerson, National Grid: Microgrids

Mark Haas, PECO: Electrification

4:00 p.m. – 4:15 p.m. **Break**

4:15 p.m. – 5:15 p.m. **Effective Local and Community Engagement**

Moderator: Kwame Canty, EEI

Highlight EEIs increased role in community engagement with mayors, community organizations etc.

Speakers:

John Quinn, Baltimore Gas and Electric

Jesus Barboa, Arizona Public Service: Community engagement program

Kevin Hernandez, U.S. Hispanic Chamber of Commerce

5:15 p.m. – 6:00 p.m. **Reception and Smart Community Virtual Reality Experience**
Hosted at EEI Offices in Ben Franklin Reception area

6:30 p.m. **Dinner at Bar Deco**
717 6th Street NW, Washington, DC (6th and G Streets NW)
10 minute walk from EEIs offices

Wednesday, October 25, 2017

7:45 a.m. – 8:30 a.m. **Breakfast**

8:30 a.m. – 9:15 a.m. **Headline Speaker**
Samantha Dravis
Senior Counsel and Associate Administrator, Office of Policy
Environmental Protection Agency

9:15 a.m. – 10:45 a.m. **Energy Infrastructure Challenges and Opportunities**

Moderator: Bob Bartlett, Alliant

Speakers:

Amy Mangan, Duke Energy: Storm Response, Resiliency and System Hardening

Joshua Shields, Black Hills Energy: Wyoming to Rapid City Transmission Project

Kathy Steckelberg, EEI, Infrastructure Priorities

Tiler Eaton, International Brotherhood of Electrical Workers: IBEW's Business development and the ability to contribute to industry efforts on infrastructure projects

10:45 a.m. – 11:00 a.m. **Break**

11:00 a.m. – 12:15 p.m. **Defining the New Lines of the Electric Power Industry**

Speakers:

Tony Sanchez, NV Energy

Cody Tubbs, Southern California Edison

Steven Eddy, Tampa Electric Power

Cara Hoover, Kansas City Power & Light

12:15 p.m. – 12:45 p.m. **Lunch**

12:45 p.m. – 2:00 p.m. **Tying it All Together: Messaging and Communicating to Key Stakeholders** - Phillip Morris, Vice President, Luntz Global Partners

2:00 p.m. **Conference Concludes**

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/23/2017 1:37:05 PM
To: BViator@eei.org
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: Dravis Speaking Information
Attachments: Dravis Photo.jpg

Good morning, Brad,

In preparation for Ms. Dravis' speaking engagement with EEI on Wednesday, could you please send us (1) a list of attendees for the event, and (2) information for a point of contact on the day of the event?

In case it is helpful, please find attached a headshot of Ms. Dravis. A professional biography is forthcoming.

Thank you,

Will Lovell
Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov



Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/11/2017 7:03:44 PM
To: Bridgeford, Tawny [TBridgeford@nma.org]
Subject: RE: NMA Agenda

Thank you very much, Tawny!

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Wednesday, October 11, 2017 2:54 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: NMA Agenda

Will: Updated agenda attached.



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Ex. 6**
tbridgeford@nma.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/11/2017 3:45:24 PM
To: Bridgeford, Tawny [TBridgeford@nma.org]
Subject: RE: NMA Environment Committee RSVP

Thank you, Tawny!

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Wednesday, October 11, 2017 11:44 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: NMA Environment Committee RSVP

As requested. Let me know if you need anything else.



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Ex. 6**
tbridgeford@nma.org

Message

From: Lovell, Will (William) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B150BB6ADE640F68D744FADCB83A73E-LOVELL, WIL]
Sent: 10/5/2017 3:18:06 PM
To: Bridgeford, Tawny [TBridgeford@nma.org]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Nolan, Rich [RNolan@nma.org]
Subject: RE: EPA Speaking Engagement
Attachments: Dravis Bio.docx; Dravis Photo.jpg

Tawny,

Thank you very much for all this information. Ms. Dravis has asked to speak for 15 minutes then open it up for Q&A. Does that work for you?

We will be sure to let you know if we need anything else. In the meantime, please find attached a photo of Ms. Dravis as well as her professional biography.

Thank you,

Will

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Tuesday, October 3, 2017 4:46 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Nolan, Rich <RNolan@nma.org>
Subject: FW: EPA Speaking Engagement

Will:

Answers to your questions below. Let me know if you need anything else!

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?

Draft preliminary agenda attached. We are still confirming one to two additional speakers as well as our Congressional Panel. The event is not open to the press.

2. How long would you like for Samantha to speak?

We have Samantha slated for an hour. 45 minutes plus time for Q&A if that works for Samantha.

3. What topics are of primary interest to the group?

We would be interested in hearing her perspective on the Administrator's priorities for the upcoming year on Clean Air Act (ozone, Clean Power Plan, New Source Review); Clean Water Act (WOTUS); CERCLA Financial Assurance; Superfund; and the Regulatory Review Initiative. We represent both coal and hardrock members so a balance of issues between those sectors would be great. Certainly let us know if more direction would be helpful. If there are emerging issues we are unaware of, we would be interested in those too!

4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?

We will have a podium with a microphone. The room is set up as classroom style for our members. We can accommodate a PowerPoint Presentation if that is of interest.

5. Who will be the POC for the day of the event?

Paige Rotunda will be at the reception desk at the venue (location in agenda). She can also reach me at **Ex. 6** cell).

Let me know if you need anything further.

Tawny



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Ex. 6
tbridgeford@nma.org

From: Nolan, Rich
Sent: Tuesday, October 3, 2017 11:31 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: Fwd: EPA Speaking Engagement

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
Date: October 3, 2017 at 11:24:01 AM EDT
To: "Nolan, Rich" <RNolan@nma.org>
Cc: "Kime, Robin" <Kime.Robin@epa.gov>
Subject: EPA Speaking Engagement

Hello, Rich,

I am assembling materials ahead of Samantha's speaking engagement with NMA on October 17. Could you please provide the following information by COB today?:

1. Could you please provide an agenda for the event and a guest list? Is this event open to the press?
2. How long would you like for Samantha to speak?
3. What topics are of primary interest to the group?
4. How will Samantha present? Will the set-up be theater style or roundtable? Will there be a podium and/or a microphone?
5. Who will be the POC for the day of the event?

Thank you!

Will Lovell

Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Samantha Dravis serves as Senior Counsel and Associate Administrator for the Office of Policy at the U.S. Environmental Protection Agency. The Office of Policy is the primary policy arm of EPA, providing multi-disciplinary analytic skills, management support, and special expertise in the areas of regulatory policy and management, environmental economics, strategic environmental management, and sustainable communities. Samantha was also selected by Administrator Pruitt to serve as the EPA's Regulatory Reform Officer (RRO), who oversees the implementation of regulatory reform initiatives and policies to ensure that the Agency effectively carry out regulatory reforms. Before joining the EPA, Samantha worked as President of the Rule of Law Defense Fund, a 501(c)(4) public policy organization affiliated with the Republican Attorneys General Association. She has also previously served as Associate Director of Political Affairs at The White House during the administration of President George W. Bush, as Legislative Assistant to Congressman Dan Lungren of California, and as a litigation associate at the law firm Taft, Stettinius & Hollister. Samantha is an honors graduate of the University of Kansas and the University of Notre Dame Law School, where she was Executive Solicitation Editor of the Notre Dame Journal of Law, Ethics, and Public Policy.

