To: Smith, Claudia[Smith.Claudia@epa.gov]
Cc: Doug Henderer[dhenderer@newfield.com]; Robert Eales[reales@newfield.com]
From: Bob Hammer
Sent: Tue 1/17/2017 6:23:39 PM
Subject: FW: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Claudia,

Thanks for speaking with me again today concerning the question below.

Based on our conversation, sources that are FIP registered and begin construction or modification prior to the effective date of the nonattainment designation would be treated in the manner that PSD permitting is treated, in that construction in process at a FIP registered facility can continue and be completed on or after the effective date of nonattainment.

Also based on our conversation, EPA will be working on streamlined permitting for nonattainment areas, but a rule of that nature does not exist at this time, and therefore finalizing a new nonattainment streamlined permitting/registration option is not guaranteed to occur prior to the effective date of nonattainment. Beginning construction or modification of a facility after the effective date of nonattainment designation, and having registered but not permitted the facility (the facility does not have a permit), would involve beginning construction without a permit (FIP registration is not a permit, but a possible regulatory alternative to permitting during attainment). Without a rule that addresses streamlined permitting in effect after the effective date of nonattainment, (which is currently the case) the advisable safest thing to do for a facility that will begin construction or modification on or after the effective date of nonattainment is to obtain a construction permit. The only thing known for certain at this time is that construction or modification can begin after the effective date of nonattainment if the facility has a permit.

Please let me know if this is not an accurate summary of our discussion.

Thanks again.

Bob Hammer
HSE Principal
Office: 281-210-5204

24 Waterway Avenue, Suite 900
The Woodlands, TX 77380

From: Smith, Claudia [mailto:Smith.Claudia@epa.gov]
Sent: Wednesday, December 21, 2016 2:08 PM
To: Bob Hammer
Cc: Doug Henderer; Kirby Carroll; Stoneman, Chris; Morales, Monica; Fallon, Gail
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Bob,

We've discussed internally the remaining outstanding question, number 5, and we believe it should be an issue that gets discussed and addressed in the context of developing a streamlined permitting solution for new and modified true minor oil and natural gas sources on the Indian country lands within the Uintah and Ouray Indian Reservation if the area is designated nonattainment for the 2015 ozone standard. We plan to discuss and address this issue in the coming calendar year and will look forward to hearing any ideas that Newfield has. Stay tuned and have a happy holidays.

Thank you,

Claudia

Claudia Young Smith

Environmental Scientist

Air Program, Mail Code 8P-AR

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http://www.epa.gov/caa-permitting/caa-permitting-epas-mountains-and-plains-region

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From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Thursday, December 15, 2016 6:44 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Cc: Doug Henderer <dhenderer@newfield.com>; Kirby Carroll <kcarroll@newfield.com>
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Claudia,

Thanks for offering your time. You're right, it might not make sense to repeat the last call. It might make more sense to use the time for today's call for another reason. Since we would be repeating the last call and answers and since we didn't pick up on everything last time, would you mind using your notes to transfer the answers and partial answers via text? For some reason we didn't follow all of them. That way we could use our time next Monday to address the unanswered ones.

I've provided the questions below if it would help to just type in the answers and partial answers between the questions. That would be very helpful for us.

Let me know if you'd rather repeat things in a call this morning instead. Thanks again.

1) We understand that the Ute Tribe has requested that EPA designate only a limited portion of Indian Country as non-attainment (Ouray area). What actions does EPA anticipate taking in response to this request?

2) Can you share the map that accompanied the Tribes non-attainment request which indicates the proposed area for the non-attainment designation?

3) How much weight does EPA afford to the Tribes request for a non-attainment designation of limited range? Will they consider the approach the Tribe followed in their request?

4) What is the likelihood that a non-attainment designation would occur prior to October of 2017?

5) Will FIP Part 1 Registrations submitted prior to non-attainment under the current Indian Country FIP rule still be considered valid and allow construction and/or modification to begin following a non-attainment designation? At what point will FIP Part 1 Registrations already filed prior to non-attainment no longer suffice to begin construction?

6) Would site specific applications deemed complete before non-attainment designation be valid for construction and/or modifications that begins or continues following non-attainment designation? At what point in the permitting process will applications filed prior to non-attainment no longer be valid under attainment rules.

7) Following a non-attainment designation, by what process will operators be able to permit new minor source facilities or modify existing minor source facilities? Will offsets be required for minor source permitting if the area is designated marginal for ozone?

8) Is EPA considering a reservation specific new source FIP that would address new construction and\or modifications following a non-attainment designation, similar to the current FIP process?

9) What is the expected time frame for EPA processing post non-attainment minor source applications? What recourse will operators have, if any, if EPA's process of reviewing applications and issuing permits is not timely and unduly burdens the development of Tribal minerals?

10) Does EPA anticipate that future permits under a non-attainment designation would contain additional control requirements that go beyond OOOOa?

Bob Hammer

HSE Principal
Office: 281-210-5204

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The Woodlands, TX 77380

From: Smith, Claudia [mailto:Smith.Claudia@epa.gov]
Sent: Wednesday, December 14, 2016 6:06 PM
To: Bob Hammer
Cc: Doug Henderer; Kirby Carroll
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Looking back on my notes, we provided either complete responses, or as much information as we are able to at this time, for questions 1-4, and 7-8. Questions 5 and 6 are what we needed to confer internally on still and have been working this week to do so. We will not be able to address questions 5 and 6 yet tomorrow, but expect to be able to address them sometime next week. I am happy to reiterate our responses to the other questions tomorrow, but it will not be any information we did not already discuss in the initial call.

Thanks,

Claudia

From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Wednesday, December 14, 2016 7:09 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Cc: Doug Henderer <dhenderer@newfield.com>; Kirby Carroll <kcarroll@newfield.com>
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Claudia,

We were under the impression that EPA was still working on full responses to the highlighted questions. If we were given complete responses, then it would help us to have you reiterate those answers during the Thursday time slot. That might help us better understand the full responses.

Thanks

Bob Hammer
HSE Principal
Office: 281-210-5204

24 Waterway Avenue, Suite 900
The Woodlands, TX 77380

From: Smith, Claudia [mailto:Smith.Claudia@epa.gov]
Sent: Tuesday, December 13, 2016 10:51 AM
To: Bob Hammer
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

It was our understanding that the nonattainment timing question was the only outstanding question that we were not able to answer at the last call. Which of the other questions are you referring to?

Thanks,

Claudia

From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Tuesday, December 13, 2016 8:55 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>

Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Claudia,

Could we discuss the other questions as planned on Thursday and then follow up on that remaining question? I'm concerned with changing participant's schedules given the limited time we have before the holidays.

Very little time to squeeze things in this time of year.

Bob Hammer
HSE Principal
Office: 281-210-5204

24 Waterway Avenue, Suite 900
The Woodlands, TX 77380

From: Smith, Claudia [mailto:Smith.Claudia@epa.gov]
Sent: Tuesday, December 13, 2016 9:48 AM
To: Bob Hammer
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

That time works for me. I believe the only outstanding question was related to how we would handle a source registering under the FIP before a nonattainment designation, but not constructing until after the designation.

Thanks,

Claudia

From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Tuesday, December 13, 2016 8:46 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

The only time available for everyone next week is 10 – 11 am Central time on Monday.

How many of the questions remain to be resolved?

Bob Hammer
HSE Principal
Office: 281-210-5204

24 Waterway Avenue, Suite 900
The Woodlands, TX 77380

From: Smith, Claudia [mailto:Smith.Claudia@epa.gov]
Sent: Tuesday, December 13, 2016 9:43 AM
To: Bob Hammer
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Thanks, we should be able to have an answer for you next week.

Thanks,

Claudia

From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Monday, December 12, 2016 6:45 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Thanks Claudia. I'll check with others.

I know we had some interesting questions.

Bob Hammer

Newfield Exploration

303-810-8409

Sent from my tablet

-------- Original message --------

From: "Smith, Claudia" <Smith.Claudia@epa.gov>

Date: 12/12/16 2:38 PM (GMT-06:00)

To: Bob Hammer <bjhammer@newfield.com>

Subject: [EXT] RE: Discuss Newfield's November 28th Questions concerning nonattainment permitting

Bob,

I hate to do this to you again, but your question is proving a bit more complicated than we originally thought and we need at least this week to come to a consensus with headquarters. Can we push this meeting to sometime next week, December 19-22?

Thanks,

Claudia

-----Original Appointment-----
From: Bob Hammer [mailto:bjhammer@newfield.com]
Sent: Wednesday, November 30, 2016 5:17 PM
To: Bob Hammer; Stoneman, Chris; Smith, Claudia; Doug Henderer; Kirby Carroll; Robert Eales
Subject: Discuss Newfield's November 28th Questions concerning nonattainment permitting
When: Thursday, December 15, 2016 8:00 AM-9:00 AM (UTC-06:00) Central Time (US & Canada).
Where: Conference call: 1-888-640-7748, Participant Code: 21216666

There was a conflict with the original schedule.

Claudia and Chris,

Thanks for taking the time to speak with us today concerning the attached list of nonattainment questions.

This is an invitation to have another call after EPA has had a chance to further consider the questions, gather information, and develop responses.

We look forward to discussing these issues further. Please feel free to forward this invitation to others that might be appropriate for our call.

If you have additional questions you can reach me at 281-210-5204

Conference call: Toll-Free Access Number: 1-888-640-7748

Participant Code: 21216666