Message

From: Bennett.Tate@epa.gov [Bennett.Tate@epa.gov]
Sent: 7/29/2017 6:05:13 PM
To: Brianna.Lundeen@tn.gov
Subject: Re: Meeting August 7

Alternatively we could also do the 28th.

Sent from my iPhone

> On Jul 29, 2017, at 1:53 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details.
Ex. 6
>
> Sent from my iPhone

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 2/20/2018 1:43:50 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: EPA Administrator Scott Pruitt Hosts Nation's Leaders to Discuss Efforts to Reduce Childhood Lead Exposure

Thanks Tate!

Please let us know if there are more opportunities for the EPA and the state to collaborate on fighting lead poisoning. We are very interested in partnering on this.

Thanks,

Mac

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, February 16, 2018 5:49 PM
To: Bennett, Tate
Subject: EPA Administrator Scott Pruitt Hosts Nation's Leaders to Discuss Efforts to Reduce Childhood Lead Exposure

Given your interest in this issue, we thought you might be interested in the below press release from yesterday. Have a nice weekend. -Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

EPA Administrator Scott Pruitt Hosts Nation's Leaders to Discuss Efforts to Reduce Childhood Lead Exposure

WASHINGTON (February 16, 2018) - Yesterday, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt hosted fellow Cabinet members and other key senior leaders to outline a federal strategy to reduce childhood lead exposure and associated health risks.

"Lead exposure poses a significant health threat to hundreds of thousands of American

children," **said EPA Administrator Scott Pruitt**. "By refocusing Agency efforts, we can work with our government partners to develop solutions that address lead exposure and improve health outcomes for children."

Administrator Pruitt was joined by members or their designees of the *President's Task Force on Environmental Health Risks and Safety Risks to Children* (Task Force), and other principals to collaborate on a clear direction in the development and implementation of a new *Federal Strategy to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts*. The Task Force is co-chaired by Administrator Pruitt and Health and Human Services (HHS) Secretary Alex Azar. Notable attendees included: Secretary of Housing and Urban Development (HUD) Ben Carson, Secretary of Labor Alexander Acosta, and HHS Deputy Secretary Eric Hargan.

"Reducing lead exposure for children and addressing the associated health impacts of exposure is a top priority at HHS, and across the Executive Branch," **said Health and Human Services Secretary Alex Azar** "We are fully committed to drafting a federal strategy to fight this continuing threat to infants and children."

"Children perform better at school and in life if they live in a healthy home," **said Housing and Urban Development Secretary Ben Carson**. "A healthy start at home translates to a successful life outside of the home. HUD is committed to working across Federal agencies and with local communities to eradicate lead poisoning to make sure our homes are safe and ensure positive outcomes for families and their kids."

"Far too many Americans are exposed to lead in their workplace," **said Labor Secretary Alexander Acosta**. "Finding solutions to better protect these workers and minimize the amount of lead that is taken home, and potentially exposed to their children, is a priority."

Administrator Pruitt opened the meeting with his vision for a collaborative multi-federal agency approach to reduce childhood lead exposure across the country and his plans to make it a priority for EPA's 2018 agenda. Following his remarks, each Task Force member or their designee shared how their respective agency can best contribute to the Task Force's goals on lead and how the issue can be best communicated to the public.

At the meeting, attendees agreed to:

- Make addressing childhood lead exposure a priority for Task Force departments and agencies;

- Five goals that frame the new *Federal Strategy to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts;*

- Set an aggressive, near-term timeline for the Task Force to complete its work to draft the strategy; and,

- Schedule a follow-up principals meeting or event to issue the federal strategy and discuss next steps.

Representatives from the following agencies or offices attended:

U.S. Department of Health and Human Services

U.S. Department of Housing and Urban Development

U.S. Department of Labor

U.S. Department of Agriculture

U.S. Department of Education

U.S. Department of Justice

U.S. Department of Homeland Security

U.S. Consumer Product Safety Commission

Office of Management and Budget

Office of Science and Technology Policy

Council on Economic Advisers

Council for Environmental Quality

Background on President's Task Force and the challenges of childhood lead exposure:

Since the 1970s, EPA and other federal agencies have spearheaded and implemented many actions resulting in a significant reduction of lead exposure throughout our country. However, lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to children, preventing them from reaching the fullest potential of their health, their intellect, and their future. No blood lead level is safe for children. The time is now to impact future generations. EPA and our federal partners are committed to collaborate to address this threat, and improve health outcomes for our nation's most vulnerable citizens - our children.

The *President's Task Force on Environmental Health Risks and Safety Risks to Children*,

which was established in 1997 by Executive Order 13045, is well positioned to take a leading role to address this problem. In 2000, the Task Force issued its first national strategy to address the childhood lead exposure. That first strategy focused primarily on expanding efforts to correct lead paint hazards (especially in low income housing) and put forward recommendations aimed at eliminating childhood lead exposure in the United States as a major public health problem by the year 2010.

Now, however, tackling the problem at this stage requires a coordinated federal-wide effort that evaluates the predominant sources of lead and also includes improving identification and treatment of children identified as lead exposed. It requires a more robust and coordinated communication with parents and others regarding the risks and methods to reduce exposure and a collaborative multi-agency research plan. To this end, the Task Force has been working on a new draft federal strategy that seeks to identify opportunities, including the 58 federal programs currently working on the issue.

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

Unsubscribe

Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 2/26/2018 1:24:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Pruitt w Sununu

Thanks tate!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Sunday, February 25, 2018 6:15 AM
To: Justin R. EOP/WHO Clark; Ex. 6 William.H.Kirkland Ex. 6
Cc: Millerick, Jayne; Zellem, Michael
Subject: Pruitt w Sununu

FYI from last week. Not sure if this was sent around to everyone. Thanks again, Jayne!

https://www.epa.gov/newsreleases/administrator-pruitt-visits-new-hampshire-talks-water-quality-biomass-carbon-neutrality

Administrator Pruitt Visits New Hampshire: Talks Water Quality, Biomass Carbon Neutrality, Forest Procurement Practices

02/13/2018

Contact Information:
(press@epa.gov)

PHOTOS

Administrator Pruitt tours the Central Paper Products Co., Inc. in Manchester, N.H.

Administrator Pruitt leads a roundtable with members of the forest products industry.

Manchester, N.H. – In a visit to New Hampshire today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt met with the forest products industry and Governor Chris Sununu (R-NH) to discuss a wide range of environmental issues. Administrator Pruitt provided Governor Sununu with a letter announcing EPA's efforts to work towards a carbon-neutral policy for biomass and clarify federal procurement recommendations for responsibly managed forests.

"For years, the federal government rendered most U.S. forestry producers ineligible for federal procurement projects and created confusion around biomass carbon neutrality," **said EPA Administrator Scott Pruitt.** "Understanding the importance of the forest products industry to the State of New Hampshire, EPA is focused on clarifying regulations that were encumbering the industry."

Administrator Pruitt also met with members of the Governor's Cabinet, including: Commissioner of Environmental Services Robert Scott, Commissioner of Agriculture Shawn Jasper, and Commissioner of Cultural Resources Jeff Rose.

"This morning, I had a very productive meeting with EPA Administrator Scott Pruitt," **said Governor Chris Sununu.** "We discussed wide-ranging issues facing New Hampshire, and it is critical that our priorities are heard. I was pleased to hear the EPA agreed to expedite the bedrock water table testing to further ensure that the Seacoast's drinking water has not been contaminated by the Coakley Landfill. I am confident that the state, and our towns, will have a positive and productive relationship with the EPA moving forward."

Later, a group representing the forest products industry hosted Administrator Pruitt for a roundtable at Central Paper Products Co., Inc. The discussion included the Nature Conservancy of New Hampshire, New Hampshire Timberland Owners Association, New Hampshire Forests, New Hampshire Division of Forest and Lands, and Society for the Protection of New Hampshire Forests.

"The New Hampshire Timberland Owners Association is pleased Administrator Pruitt took the time to come to New Hampshire to meet with timberland owners, and members of the forest products industry. As the second most forested state in the nation, New Hampshire's forests are an important part of our heritage, culture, and economy. Having a regulatory environment that promotes the growing, management and processing of timber will ensure this legacy continues. A managed forest is a healthy forest: it provides clean air, clean water, wildlife habitat, and recreational opportunities - all the while providing jobs and economic benefits for our rural communities," **said New Hampshire Timberland Owners Association Executive Director Jasen Stock.**

BACKGROUND:

On April 13, 2017, in accordance with President Trump's Executive Order 13777, Enforcing the Regulatory Reform Agenda, EPA sought comment on regulatory barriers that should be targeted for repeal, replacement, or modification. Among the over 60,000 comments received, members of the forest and forest products community highlighted a number of concerns with EPA's past regulatory treatment of the industry. Top concerns included whether EPA had, to date, failed to take proper account of the reality that energy derived from biomass may, in appropriate circumstances, be recognized as carbon neutral, along with the Agency's own procurement recommendations for wood and lumber products.

In 2011, EPA submitted "Draft Accounting Framework for Biogenic CO2 Emissions from Stationary Sources" to the Scientific Advisory Board (SAB). That draft accounting framework sought to identify and outline the scientific and technical considerations that come into play in ascertaining the extent to which the production, processing, and use of biomass materials at stationary sources is indeed carbon neutral. The Agency updated the accounting framework in 2014. After seven years of ongoing review and analysis of this challenging issue, the SAB has yet to reach consensus.

Meanwhile, the Agency recently received direction from Congress in the *Consolidated Appropriations Act of 2017,* which urged that agencies proactively recognize forest biomass as a renewable agency source and establish policies that reflect its carbon neutrality. Spurred on by this congressional action, which had occurred in conjunction with Executive Order 13783, Promoting Energy Independence and Economic Growth, a multi-agency effort has now been initiated between EPA, the U.S. Department of Energy, and the U.S. Department of Agriculture with the focused goal of establishing a mechanism for federal cooperation and consistency on the use of biomass.

For its specific part, EPA has incorporated into its ongoing review of, and improvement to, Clean Air Act permitting programs generally a concerted effort to develop a range of options consistent with a carbon-neutral policy for biomass from forests and other lands and sectors.

EPA is also developing actions to clarify its own federal procurement recommendations, issued by the prior Administration in September 2015. As initially drafted, those recommendations only recognized a single-forest certification standard as qualifying for federal procurement opportunities. This effectively made a large majority of responsibly managed forests, including those certified by the Sustainable Forestry Initiative and the American Tree Farm System, ineligible to participate.

Today, EPA is working to guarantee consistent procurement recommendations. Additionally, EPA is working to ensure, as appropriate, either parity with, or deferral to, USDA's preexisting mandatory purchasing requirements for federal agencies, as set out under its BioPreferred Program.

Additional details outlining EPA's actions can be read in the letter that Administrator Pruitt handed to Governor Sununu, found here: ttps://www.epa.gov/air-and-radiation/policy-update-epa-programmatic-treatment-biomass-and-forest-products-industry

Contact Us to ask a question, provide feedback, or report a problem.

Message

From: Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]
Sent: 2/15/2018 4:10:56 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
CC: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Zellem, Michael [Michael.Zellem@nh.gov]
Subject: RE: Thank yous

Matthew J. Kfoury
Chief Operating Officer
Central Paper Products Co.
New England Division of Imperial Dade
Manchester, NH

Ex. 6

From: Bennett, Tate
Sent: Thursday, February 15, 2018 11:09 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>
Cc: Ford, Hayley <ford.hayley@epa.gov>; Zellem, Michael <Michael.Zellem@nh.gov>
Subject: RE: Thank yous

New Hampshire-

Governor Sununu

Mac Zellem

From: Ferguson, Lincoln
Sent: Thursday, February 15, 2018 9:11 AM
To: Kundinger, Kelly <kundinger.kelly@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Letendre, Daisy

<letendre.daisy@epa.gov>
Cc: Ford, Hayley <ford.hayley@epa.gov>
Subject: RE: Thank yous

Good morning!

Please send me names/addresses for any notes/thank yous that need to be prepared for the Admin to sign following our visit to New Hampshire/Massachusetts.

Please get these to me no later than **NOON** today.

Thanks,
Lincoln

From: Ferguson, Lincoln
Sent: Wednesday, February 7, 2018 3:20 PM
To: Kundinger, Kelly <kundinger.kelly@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Thank yous

Please send me names/contact info of anyone from NY, FL, or NV that I should prepare a note from the Admin.

I needs these by COB today. Thank you.

Lincoln Ferguson
Senior Advisor to the Administrator
(202) 309-6537

Message

From: Keyes, Arthur J (DNR) [arthur.keyes@alaska.gov]
Sent: 2/15/2018 4:09:10 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Application Exclusion Zone Fact Sheet

I am currently out of the office and will return on Wednesday, February 21, 2018. For assistance please contact Lora Haralson at Ex. 6

Thank you.
Arthur

Message

From: Dunn, Alexandra [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=426D0177EAAB4001A5C85F051565997E-DUNN, ALEXA]
Sent: 1/28/2018 6:16:50 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Michael.Zellem@nh.gov
Subject: Re: 2018.01.24_Letter to EPA Administrator Pruitt

We are looking forward to the visit and will be prepared to discuss the issues at hand.

Kind regards,

Alexandra Dunn

Sent from my iPhone
Alexandra Dapolito Dunn, J.D. , Regional Administrator
Region 1 New England. ***This email is for official EPA business only and is subject to disclosure under the Freedom of information Act***

On Jan 26, 2018, at 5:51 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Copying the gang! Thanks Mac!
>
> Begin forwarded message:
>
> > **From:** "Zellem, Michael" <Michael.Zellem@nh.gov>
> > **Date:** January 26, 2018 at 4:25:47 PM EST
> > **To:** "'Bennett.Tate@epa.gov'" <Bennett.Tate@epa.gov>
> > **Subject: 2018.01.24_Letter to EPA Administrator Pruitt**
> >
> > Hey Tate,
> >
> > Here is a digital copy of the letter the Governor sent the Administrator the other day. Can you let me know who on Alex Dunn and Dave Ross' staff I should send this digital copy too? Again no action is needed from you guys, we're looking forward to the Administrators visit.
> >
> > I hope you have a great weekend!
> >
> > **Mac Zellem**
> > Policy Adviser, Office of Governor Christopher T. Sununu
> > State of New Hampshire
> > Michael.Zellem@nh.gov | Ex. 6
>
> <2018.01.24_Letter to EPA Administrator Pruitt.pdf>

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 3/6/2018 5:46:12 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Connecting you!

Thanks so much Mandy- grateful for your contact info. We're loving our status as #1 state for air quality, but we can always be better! Thanks for your service.

Levi

From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Sent: Tuesday, March 6, 2018 11:33:10 AM
To: Bennett, Tate; Bachmeier, Levi
Subject: RE: Connecting you!

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Thank you, Tate.

Levi, it was great meeting you and the Governor after the WGA breakfast. Since I didn't have a card then, I just wanted to make sure we were connected. Please let me know if I can help with any air related issues.

Best,
Mandy

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency
(202) 564-2314

From: Bennett, Tate
Sent: Tuesday, March 6, 2018 11:01 AM
To: lebachmeier@nd.gov
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Connecting you!

Hey Levi! Wanted to connect you with Mandy on our team. I think you two met at WGA and she has some follow-up. Hope all is well.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 3/6/2018 5:33:10 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; lebachmeier@nd.gov
Subject: RE: Connecting you!

Thank you, Tate.

Levi, it was great meeting you and the Governor after the WGA breakfast. Since I didn't have a card then, I just wanted to make sure we were connected. Please let me know if I can help with any air related issues.

Best,
Mandy

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency
(202) 564-2314

From: Bennett, Tate
Sent: Tuesday, March 6, 2018 11:01 AM
To: lebachmeier@nd.gov
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Connecting you!

Hey Levi! Wanted to connect you with Mandy on our team. I think you two met at WGA and she has some follow-up. Hope all is well.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 2/5/2018 1:41:54 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Quick shout this AM

Hey Tate,

I am free until 10:00 if you want to call: Ex. 6

Mac

> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Monday, February 5, 2018 8:13 AM
> To: Zellem, Michael
> Subject: Quick shout this AM
>
> Hey Mac! Can I give you a quick shout this AM? Is there a time that works
> best

Message

From: Larry Lewis [larrylewis@utah.gov]
Sent: 2/13/2018 5:29:40 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: FW: Feb 14 @1PM CALL: Agriculture Education Grant Opportunities at EPA

Please remove me from your email address group. I have retired and am no longer in the communications office at the UDAF.
Thank you.
Larry

Larry M. Lewis, MA
Utah Department of Agriculture and Food
C Ex. 6
larrylewis@utah.gov
www.ag.utah.gov

On Mon, Feb 12, 2018 at 3:02 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Just a friendly reminder about the EE Local Grants Program (now accepting applications for this year) call THIS Wednesday. Let us know if you have any questions.

- **The call will take place at 1 p.m.-2:30 PM EST on Wednesday February 14, 2018**
- **Click here to Register for the call.**
- **CALL IN NUMBER Ex. 6 PROVIDE THE OPERATOR WITH CONFERENCE ID NUMBER: Ex. 6.**

- **Questions will be accepted during the call at eegrants@epa.gov**
- **Slides are available at https://www.epa.gov/education/environmental-education-ee-grants-webinar-and-teleconference-materials**
- **To apply for the EE Local Grants Program, visit: https://www.epa.gov/education/environmental-education-ee-grant-solicitation-notice**

- **Applications for the EE Local Grants Program are due March 15th 2018**

From: Bennett, Tate
Sent: Wednesday, February 7, 2018 12:59 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>; Tanner, Lee <Tanner.Lee@epa.gov>
Subject: Feb 14 @1PM CALL: Agriculture Education Grant Opportunities at EPA
Importance: High

EPA's office of Environmental Education (EE) is currently accepting applications for the EE Local Grants Program at EPA until March 15th, 2018. **Projects in agriculture are eligible in this year's grant solicitation, including projects on water quality, conservation, food sustainability and integrated pest management best practices— among other traditional topics.**

EPA will hold **a** teleconference on the overall grant program at 1 p.m.-2:30 PM EST on February 14, 2018:

- **The call will take place at 1 p.m.-2:30 PM EST on Wednesday February 14, 2018**
- **Click here to Register for the call.**
- CALL IN NUMBER Ex. 6 PROVIDE THE OPERATOR WITH CONFERENCE ID NUMBER: Ex. 6

- **Questions will be accepted during the call at eegrants@epa.gov**

- **Slides are available at https://www.epa.gov/education/environmental-education-ee-grants-webinar-and-teleconference-materials**

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- **Applications for the EE Local Grants Program are due March 15th 2018**

Let us know if you have any questions.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

Message

From: Larry Lewis [larrylewis@utah.gov]
Sent: 2/7/2018 7:02:18 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Feb 14 @1PM CALL: Agriculture Education Grant Opportunities at EPA

Please remove me from your email address group. I have retired and am no longer in the communications office at the UDAF.
Thank you.
Larry

Larry M. Lewis, MA
Utah Department of Agriculture and Food
C Ex. 6
larrylewis@utah.gov
www.ag.utah.gov

On Wed, Feb 7, 2018 at 10:59 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

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- **The call will take place at 1 p.m.-2:30 PM EST on Wednesday February 14, 2018**
- **Click here to Register for the call.**
- **CALL IN NUMBER Ex. 6 PROVIDE THE OPERATOR WITH CONFERENCE ID NUMBER: Ex. 6**
- **Questions will be accepted during the call at eegrants@epa.gov**

- **Slides are available at https://www.epa.gov/education/environmental-education-ee-grants-webinar-and-teleconference-materials**

- **To apply for the EE Local Grants Program, visit: https://www.epa.gov/education/environmental-education-ee-grant-solicitation-notice**

- **Applications for the EE Local Grants Program are due March 15th 2018**

Let us know if you have any questions.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 7/26/2018 8:21:39 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]
Subject: RE: my gov phone died

No worries, thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, July 26, 2018 3:56 PM
To: Zellem, Michael; Kundinger, Kelly
Subject: my gov phone died

Will circle back with the memo ASAP

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 1/3/2018 4:30:21 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Zellem, Michael [Michael.Zellem@nh.gov]
CC: Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; Campbell, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8c25a0c2fb648b6a947694a8492311e-Campbell, Ann]
Subject: RE: Potential visit to NH in Feb.

Mac,

We can definitely make a meeting work when either David Ross or I are in New England later this month. Crystal Penman and Ann Campbell handle schedule and logistics for both David and myself. Let's figure out what would work best for all of us.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, VW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

-----Original Message-----
From: Bennett, Tate
Sent: Wednesday, January 3, 2018 11:16 AM
To: Zellem, Michael <Michael.Zellem@nh.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Potential visit to NH in Feb.

Hey Mac!

I wanted to e-introduce you to Lee Forsgren (cc'd), a deputy and great asset in our Office of Water. Lee and our newly Senate-confirmed head of the Office of Water, Dave Ross, will be in New England in late January (sooner than the Feb visit!) and would be happy to meet with your Water Managers while they are in town re MS4. Would the Governor's office like to facilitate this meeting? If so, Lee will be your best POC.

We think this will be the best use of everyone's time as the agency and the Governor's office work together on various issues, including the Administrator's upcoming visit.

Hang in there during session!

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education Office of the Administrator U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov
in the coming months.

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 1/16/2018 2:22:31 PM
To: Campbell, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8c25a0c2fb648b6a947694a8492311e-Campbell, Ann]
CC: Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Potential visit to NH in Feb.

Hello Ann,

Our communities can work around your schedules. We would like to hold a meeting in Dover, NH, and February 6th or 7th would work well for them. Let me know what date and time you'd like to shoot for and I will loop in representatives of Rochester, Dover, and Portsmouth.

Thanks,

Mac

> -----Original Message-----
> From: Campbell, Ann [mailto:Campbell.Ann@epa.gov]
> Sent: Friday, January 12, 2018 3:37 PM
> To: Zellem, Michael; Forsgren, Lee; Bennett, Tate
> Cc: Penman, Crystal
> Subject: RE: Potential visit to NH in Feb.
>
> Thanks for your email. Right now Dave is scheduled to be in Boston, at a
> minimum, on February 7. He may have some time in the morning or if we
> can't make that work, perhaps later in the afternoon of the 6th. Let's talk
> next week about timing and format.
>
> Have a great weekend.
> Ann
>
> Ann Campbell
> Managing Director
> Office of Water
> (202) 566-1370
>
> -----Original Message-----
> From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
> Sent: Thursday, January 11, 2018 5:16 PM
> To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bennett, Tate
> <Bennett.Tate@epa.gov>
> Cc: Penman, Crystal <Penman.Crystal@epa.gov>; Campbell, Ann
> <Campbell.Ann@epa.gov>
> Subject: RE: Potential visit to NH in Feb.
>
> Hello All,
>
> I am so sorry that I haven't responded before now. Things have been insane
> over here with our legislature sitting again.
>
> We would be thrilled for Lee and Dave to meet with our communities. Please
> let me know when you both plan to be in New Hampshire and I can set up a
> meeting with representatives of the Cities of Portsmouth, Dover, and
> Rochester.
>
> Thanks,
>
> Mac
>
> > -----Original Message-----
> > From: Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]
> > Sent: Wednesday, January 3, 2018, 11:30 AM
> > To: Bennett, Tate; Zellem, Michael

> > Cc: Penman, Crystal; Campbell, Ann
> > Subject: RE: a Potential visit to NH in Feb.
> >
> > Mac,
> >
> > We can definitely make a meeting work when either David Ross or I am
> > in New England later this month. Crystal Penman and Ann Campbell
> > handle schedule and logistics for both David and myself. Let's figure
> > out what would work best for all of us.
> >
> > Regards,
> > Lee
> >
> > D. Lee Forsgren
> > Deputy Assistant Administrator
> > Office Of Water
> > Environmental Protection Agency
> > 1200 Pennsylvania Avenue, VW
> > Room 3219 WJCE
> > Washington, DC 20460
> > Phone: 202-564-5700
> > Forsgren.Lee@epa.gov
> >
> >
> > -----Original Message-----
> > From: Bennett, Tate
> > Sent: Wednesday, January 3, 2018 11:16 AM
> > To: Zellem, Michael <Michael.Zellem@nh.gov>
> > Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
> > Subject: RE: Potential visit to NH in Feb.
> >
> > Hey Mac!
> >
> > I wanted to e-introduce you to Lee Forsgren (cc'd), a deputy and great
> > asset in our Office of Water. Lee and our newly Senate-confirmed head
> > of the Office of Water, Dave Ross, will be in New England in late
> > January (sooner than the Feb visit!) and would be happy to meet with
> > your Water Managers while they are in town re MS4. Would the
> > Governor's office like to facilitate this meeting? If so, Lee will be your best
> POC.
> >
> > We think this will be the best use of everyone's time as the agency
> > and the Governor's office work together on various issues, including
> > the Administrator's upcoming visit.
> >
> > Hang in there during session!
> >
> > Tate
> >
> >
> > Elizabeth Tate Bennett
> > Associate Administrator for Public Engagement & Environmental
> > Education Office of the Administrator U.S. Environmental Protection
> > Agency
> > (202) 564-1460
> > Bennett.Tate@epa.gov
> > in the coming months.
> >

Message

From: Sara Bresnahan [Sbresnah@pahousegop.com]
Sent: 1/22/2018 4:25:06 PM
To: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Kirkland, William H. EOP/WHO [redacted] Ex. 6
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPA Contact

Good Morning. This is in today's Pittsburgh Post Gazette. Thanks, sara
http://www.post-gazette.com/local/city/2018/01/22/PWSA-lead-compliance-tests-lead-line-replacements-DEP-EPA-15-ppb-threshold/stories/201801220090?utm_campaign=Echobox&utm_medium=Social&utm_source=Twitter#link_time=1516637882
Sara Bresnahan Kennedy

Representative Mike Turzai's Office
Speaker of the House of Representatives
28th Legislative District
125 Hillvue Lane
Town of McCandless
Pittsburgh, PA 15237
412-369-2230
sbresnah@pahousegop.com
www.repturzai.com

-----Original Message-----
From: Sara Bresnahan
Sent: Thursday, October 26, 2017 12:30 PM
To: 'Cory, Preston (Katherine)' <Cory.Preston@epa.gov>; Kirkland, William H. EOP/WHO [redacted] Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: EPA Contact

Good afternoon, thank you again for the opportunity to discuss PWSA this morning. Attached are the materials I thought might be helpful. Let me know if we can provide you with additional information. Speaker Turzai has made this issue a priority because of the concerns about the quality of the water and the sustainability of PWSA in the City of Pittsburgh. Thank you, Sara

Sara Bresnahan Kennedy

Representative Mike Turzai's Office
Speaker of the House of Representatives 28th Legislative District
125 Hillvue Lane
Town of McCandless
Pittsburgh, PA 15237
412-369-2230
sbresnah@pahousegop.com
www.repturzai.com

-----Original Message-----
From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Wednesday, October 25, 2017 4:27 PM
To: Sara Bresnahan <Sbresnah@pahousegop.com>; Kirkland, William H. EOP/WHO [redacted] Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: EPA Contact

Billy, thank you for the intro.

Hi Sara,

Could you do a call tomorrow morning per chance?

Thanks,
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations U.S. Environmental Protection Agency
Ex. 6

-----Original Message-----
From: Sara Bresnahan [mailto:Sbresnah@pahousegop.com]
Sent: Wednesday, October 25, 2017 4:07 PM
To: Kirkland, William H. EOP/WHO Ex. 6
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Contact

Happy to help. Send them my way. SBK

Sara Bresnahan Kennedy

Representative Mike Turzai's Office
Speaker of the House of Representatives
28th Legislative District
125 Hillvue Lane
Town of McCandless
Pittsburgh, PA 15237
412-369-2230
sbresnah@pahousegop.com
www.repturzai.com

-----Original Message-----
From: Kirkland, William H. EOP/WHO Ex. 6
Sent: Wednesday, October 25, 2017 4:03 PM
To: Sara Bresnahan <Sbresnah@pahousegop.com>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Contact

Sara,

I hope you are doing well. I have cc'ed two of our great IGA team members from EPA on these e-mail. They had some PA specific questions and I told them you would be the person to ask.

Thanks,

Billy Kirkland
Special Assistant to the President & Deputy Director White House Intergovernmental Affairs
Ex. 6

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.
The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 1/9/2018 5:28:52 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Potential visit to NH in Feb.

That should work.

> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, January 9, 2018 12:15 PM
> To: Zellem, Michael
> Subject: Re: Potential visit to NH in Feb.
>
> Might be closer to 4 if that's ok?
>
> > On Jan 9, 2018, at 11:11 AM, Zellem, Michael <Michael.Zellem@nh.gov>
> wrote:
> >
> > No worries at all! I am free between 1:30 and 4:00 today.
> >
> >> -----Original Message-----
> >> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> >> Sent: Tuesday, January 9, 2018 11:04 AM
> >> To: Zellem, Michael
> >> Subject: RE: Potential visit to NH in Feb.
> >>
> >> Is afternoon best? Sorry for the phone tag
> >>
> >> -----Original Message-----
> >> From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
> >> Sent: Tuesday, January 9, 2018 10:50 AM
> >> To: Bennett, Tate <Bennett.Tate@epa.gov>
> >> Subject: RE: Potential visit to NH in Feb.
> >>
> >> Hey Tate,
> >>
> >> Give me a call later today if you have a chance.
> >>
> >> Thanks,
> >>
> >> Mac
> >>
> >>> -----Original Message-----
> >>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> >>> Sent: Monday, January 8, 2018 12:58 PM
> >>> To: Zellem, Michael
> >>> Subject: Re: Potential visit to NH in Feb.
> >>>
> >>> I'll give you a shout then! Thanks!
> >>>
> >>>> On Jan 8, 2018, at 12:10 PM, Zellem, Michael
> >>>> <Michael.Zellem@nh.gov>
> >>> wrote:
> >>>>
> >>>> Hey Tate,
> >>>>
> >>>> I left you a message earlier. I am in meetings until 2:00, but am
> >>>> free after that. You can call my cell phone at Ex. 6
> >>>>
> >>>> Thanks,
> >>>>
> >>>> Mac
> >>>>
> >>>>> -----Original Message-----
> >>>>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> >>>>> Sent: Monday, January 8, 2018 9:50 AM
> >>>>> To: Zellem, Michael
> >>>>> Subject: RE: Potential visit to NH in Feb.
> >>>>>
> >>>>> Hey Mac-

> >>>>>
> >>>>> Happy Monday. Hope the below meeting works out on your all's end.
> >>>>> I also wanted to see if you had time to discuss how to go about
> >>>>> inviting folks to the lunch event/ logistics there. Let me know
> >>>>> when you
> >>> have a second?
> >>>>> Alternatively, my cell is Ex. 6
> >>>>>
> >>>>> Tate
> >>>>>
> >>>>>
> >>>>> -----Original Message-----
> >>>>> From: Bennett, Tate
> >>>>> Sent: Wednesday, January 3, 2018 11:16 AM
> >>>>> To: 'Zellem, Michael' <Michael.Zellem@nh.gov>
> >>>>> Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
> >>>>> Subject: RE: Potential visit to NH in Feb.
> >>>>>
> >>>>> Hey Mac!
> >>>>>
> >>>>> I wanted to e-introduce you to Lee Forsgren (cc'd), a deputy and
> >>>>> great asset in our Office of Water. Lee and our newly
> >>>>> Senate-confirmed head of the Office of Water, Dave Ross, will be
> >>>>> in New England in late January (sooner than the Feb visit!) and
> >>>>> would be happy to meet with your Water Managers while they are in
> >>>>> town re
> >> MS4.
> >>>>> Would the Governor's office like to facilitate this meeting? If
> >>>>> so, Lee will
> >>> be your best POC.
> >>>>>
> >>>>> We think this will be the best use of everyone's time as the
> >>>>> agency and the Governor's office work together on various issues,
> >>>>> including the Administrator's upcoming visit.
> >>>>>
> >>>>> Hang in there during session!
> >>>>>
> >>>>> Tate
> >>>>>
> >>>>>
> >>>>> Elizabeth Tate Bennett
> >>>>> Associate Administrator for Public Engagement & Environmental
> >>>>> Education Office of the Administrator U.S. Environmental
> >>>>> Protection Agency
> >>>>> (202) 564-1460
> >>>>> Bennett.Tate@epa.gov
> >>>>> in the coming months.
> >>>>>
> >>>>

Message

From: Rashid G. Hallaway [rhallaway@hhqventures.com]
Sent: 12/7/2017 6:07:10 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: INVITE: Surrogate Roundtable w/Pruitt

You bet. Thanks.

Sent from my iPhone

On Dec 7, 2017, at 12:33 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Rashid- can you make sure Paul doesn't overlook this invitation?

From: Bowman, Liz
Sent: Thursday, December 7, 2017 12:31 PM
To: pbailey@americaspower.org
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Sadler, Kelly J. EOP/WHO <Ex. 6
Subject: INVITE: Surrogate Roundtable w/Pruitt

Hi Paul,

Below, please find an invitation we hope you received from the director of surrogate operations at the White House, inviting you to an "end of the year" roundtable discussion with EPA Administrator Scott Pruitt. We hope you can make it and participate in the discussion. Please do not hesitate to contact me if you have any questions. Thank you for your consideration.

Sincerely,

Liz Bowman, on behalf of EPA Administrator Pruitt
Ex. 6
bowman.liz@epa.gov

Good morning.

We will be conducting and end-of-the year Roundtable with **EPA Administrator Scott Pruitt on Thursday, December 14 at 10:30 am in the White House Roosevelt Room.** The Administrator will highlight what he considers the agency's greatest achievements this year, what he's done to "drain the swamp" and spur U.S. energy dominance. Additionally, he'll be setting the priorities for the agency going into the New Year and open the floor to your questions.

To register for the event, please fill out the WAVES link below. I look forward to seeing as many of you as possible. I'll be sending a reminder email next week.

Ex. 6

Best,
Kelly

Message

From: Larry Lewis [larrylewis@utah.gov]
Sent: 1/16/2018 7:53:37 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Out of office reply Re: $3 M in funding now available for locally-focused environmental education grants

Thanks for the email, but I will be away from the office until February 1st, 2018. I am retired now, and will return to the office with a new assignment.
If you need Public Information Office related information contact Jack Wilbur (jackwilbur@utah.gov). or Andy Pierucci (apierucci@utah.gov).

If you need WASDA annual meeting information, feel free to call or text me on my cell phone: Ex. 6
Ex. 6

Thank you.
Larry

--

I will be away from the office until February 1st, 2018. I am retired now, and will return to the office with a new assignment.
If you need Public Information Office related information contact Jack Wilbur (jackwilbur@utah.gov) or Andy Pierucci (apierucci@utah.gov).

If you need WASDA annual meeting information, feel free to call or text me on my cell phone: Ex. 6
Ex. 6

Thank you.

Larry M. Lewis, MA
Utah Department of Agriculture and Food
C Ex. 6
larrylewis@utah.gov
www.ag.utah.gov

Delivery Report

From: postmaster@egov.com [postmaster@egov.com]
Sent: 11/30/2017 11:48:49 PM
To: john.horne@kentucky.gov
Subject: Undeliverable:
Attachments: Untitled Attachment

Your message
To: john.horne@kentucky.gov
Sent: 11/30/2017 11:48:46 PM

Delivery has failed to these recipients or groups:

john.horne@kentucky.gov (john.horne@kentucky.gov)
The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: egov.com

john.horne@kentucky.gov
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##

Original message headers:


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Received: from mail1.egov.com (172.30.224.139) by VADC-MBX02.ad.cdc.nicusa.com
 (172.30.68.252) with Microsoft SMTP Server id 14.3.361.1; Thu, 30 Nov 2017
 18:48:48 -0500
X-IronPort-Anti-Spam-Filtered: true
X-IronPort-Anti-Spam-Result: =?us-ascii?q?A0AMAgAGmCBah4TJ2xdcHQEBBQELAYMQK?=
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 =?us-ascii?q?g?=
X-IronPort-AV: E=Sophos;i="5.45,343,1508817600";
   d="scan'208";a="191212409"
Received: from mail-dm2gcc01on0132.outbound.protection.outlook.com (HELO
 gcc01-dm2-obe.outbound.protection.outlook.com) ([23.103.201.132])  by
 mail1.egov.com with ESMTP/TLS/AES256-SHA256; 30 Nov 2017 18:48:48 -0500
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
```

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
bh=CcF0KHEjAiLVbMdg09Fgk4K+kNsje7li3+4EcGEP1yc=;

b=Yog73LpTy2qFkY4KeHe+TMHa+hSEWt2d/856Cc8Rc6Ugk+v0305w9DclAz18PfxWskBkEuBWvj855RalSyVePCI
y+xhG8yZwQnhwd6Sk5b27VIIYGu773rqn5mhW4AcYz5FUZo/uo15jzUkOtzj5Kf7TyiF5snbTwPZcsA265w4=
Received: from CY4PR09MB1509.namprd09.prod.outlook.com (10.173.191.143) by
 CY4PR09MB1511.namprd09.prod.outlook.com (10.173.191.145) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id
 15.20.282.5; Thu, 30 Nov 2017 23:48:46 +0000
Received: from CY4PR09MB1509.namprd09.prod.outlook.com ([10.173.191.143]) by
 CY4PR09MB1509.namprd09.prod.outlook.com ([10.173.191.143]) with mapi id
 15.20.0282.006; Thu, 30 Nov 2017 23:48:46 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "john.horne@kentucky.gov" <john.horne@kentucky.gov>
Subject:
Thread-Index: AQHTajXD6ACEevHg2UOP30EDOU+1Aw==
Date: Thu, 30 Nov 2017 23:48:46 +0000
Message-ID: <E2BEC102-8AFD-4A20-9B74-C5D73DDFC614@epa.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
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 (UTC)
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X-MS-Exchange-Transport-CrossTenantHeadersStamped: CY4PR09MB1511
Return-Path: Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 11/30/2017 11:48:46 PM
To: john.horne@kentucky.gov

Nice seeing you today. Give me a shout if you want to follow up on the conversation re your daughter.
Ex. 6

Sent from my iPad

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 1/9/2018 3:13:14 PM
To: MMCCOMBS@georgia.gov
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Atlanta Visit

Early afternoon would be best actually.

From: Cory, Preston (Katherine)
Sent: Tuesday, January 9, 2018 10:11 AM
To: 'MMCCOMBS@georgia.gov' <MMCCOMBS@georgia.gov>
Cc: Tate Bennett <bennett.tate@epa.gov>
Subject: Atlanta Visit

Hi Morgan,

Thanks for taking our call this morning! As we mentioned, Administrator Pruitt will be in Georgia on Friday, January 19th. If possible, we'd like to set up a meeting with the Governor during the day to discuss regulatory reform, particularly Waters of the U.S.

If you could let us know about his availability, we are flexible and happy to come meet him at the Capitol or wherever works. My cell is listed below if you want to chat further.

Thanks and Go Dawgs (next year!),
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-579-4281

Message

From: Rashid G. Hallaway [rhallaway@hhqventures.com]
Sent: 12/7/2017 9:04:34 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: INVITE: Surrogate Roundtable w/Pruitt

I appreciate you including him. Thank you.

Sent from my iPad

On Dec 7, 2017, at 4:03 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Thanks for bird-dogging!

From: Rashid G. Hallaway [mailto:rhallaway@hhqventures.com]
Sent: Thursday, December 7, 2017 3:56 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: INVITE: Surrogate Roundtable w/Pruitt

He is planning to attend and will complete the info tomorrow. Thank you.

RH

Sent from my iPad

On Dec 7, 2017, at 12:33 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Rashid- can you make sure Paul doesn't overlook this invitation?

From: Bowman, Liz
Sent: Thursday, December 7, 2017 12:31 PM
To: pbailey@americaspower.org
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Sadler, Kelly J. EOP/WHO
Ex. 6
Subject: INVITE: Surrogate Roundtable w/Pruitt

Hi Paul,

Below, please find an invitation we hope you received from the director of surrogate operations at the White House, inviting you to an "end of the year" roundtable discussion with EPA Administrator Scott Pruitt. We hope you can make it and participate in the discussion. Please do not hesitate to contact me if you have any questions. Thank you for your consideration.

Sincerely,

Liz Bowman, on behalf of EPA Administrator Pruitt
Ex. 6
Bowman.Liz@epa.gov

Good morning.

We will be conducting and end-of-the year Roundtable with **EPA Administrator Scott Pruitt on Thursday, December 14 at 10:30 am in the White House Roosevelt Room.** The Administrator will highlight what he considers the agency's greatest achievements this year, what he's done to "drain the swamp" and spur U.S. energy dominance. Additionally, he'll be setting the priorities for the agency going into the New Year and open the floor to your questions.

To register for the event, please fill out the WAVES link below. I look forward to seeing as many of you as possible. I'll be sending a reminder email next week.

Ex. 6

Best,
Kelly

Message

From: Zellem, Michael [Michael.Zellem@nh.gov]
Sent: 1/11/2018 10:15:41 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; Campbell, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8c25a0c2fb648b6a947694a8492311e-Campbell, Ann]
Subject: RE: Potential visit to NH in Feb.

Hello All,

I am so sorry that I haven't responded before now. Things have been insane over here with our legislature sitting again.

We would be thrilled for Lee and Dave to meet with our communities. Please let me know when you both plan to be in New Hampshire and I can set up a meeting with representatives of the Cities of Portsmouth, Dover, and Rochester.

Thanks,

Mac

> -----Original Message-----
> From: Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]
> Sent: Wednesday, January 3, 2018, 11:30 AM
> To: Bennett, Tate; Zellem, Michael
> Cc: Penman, Crystal; Campbell, Ann
> Subject: RE: a Potential visit to NH in Feb.
>
> Mac,
>
> We can definitely make a meeting work when either David Ross or I am in
> New England later this month. Crystal Penman and Ann Campbell handle
> schedule and logistics for both David and myself. Let's figure out what would
> work best for all of us.
>
> Regards,
> Lee
>
> D. Lee Forsgren
> Deputy Assistant Administrator
> Office Of Water
> Environmental Protection Agency
> 1200 Pennsylvania Avenue, VW
> Room 3219 WJCE
> Washington, DC 20460
> Phone: 202-564-5700
> Forsgren.Lee@epa.gov
>
>
> -----Original Message-----
> From: Bennett, Tate
> Sent: Wednesday, January 3, 2018 11:16 AM
> To: Zellem, Michael <Michael.Zellem@nh.gov>
> Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
> Subject: RE: Potential visit to NH in Feb.
>
> Hey Mac!
>
> I wanted to e-introduce you to Lee Forsgren (cc'd), a deputy and great asset
> in our Office of Water. Lee and our newly Senate-confirmed head of the
> Office of Water, Dave Ross, will be in New England in late January (sooner
> than the Feb visit!) and would be happy to meet with your Water Managers
> while they are in town re MS4. Would the Governor's office like to facilitate
> this meeting? If so, Lee will be your best POC.
>

> We think this will be the best use of everyone's time as the agency and the
> Governor's office work together on various issues, including the
> Administrator's upcoming visit.
>
> Hang in there during session!
>
> Tate
>
>
> Elizabeth Tate Bennett
> Associate Administrator for Public Engagement & Environmental Education
> Office of the Administrator U.S. Environmental Protection Agency
> (202) 564-1460
> Bennett.Tate@epa.gov
> in the coming months.
>

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 1/9/2018 9:42:55 PM
To: McCombs, Morgan [mmccombs@georgia.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]
Subject: Re: Atlanta Visit

Thanks, Morgan!

K. Preston Cory
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
202-579-4281

On Jan 9, 2018, at 4:33 PM, McCombs, Morgan <mmccombs@georgia.gov> wrote:

> I apologize, but our meeting has been moved to tomorrow- I will have an update by tomorrow afternoon.
>
> I also made note that afternoon on the 19th would be the preferred option.
>
> Thanks!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Tuesday, January 9, 2018 10:40 AM
> **To:** McCombs, Morgan <mmccombs@georgia.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
> **Cc:** Jenkins, Brandi <Jenkins.Brandi@epa.gov>
> **Subject:** RE: Atlanta Visit
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Great! Adding Brandi so she can help coordinate the meeting, should the Gov. be available, as well.
>
> ---
>
> **From:** McCombs, Morgan [mailto:mmccombs@georgia.gov]
> **Sent:** Tuesday, January 9, 2018 10:25 AM
> **To:** Cory, Preston (Katherine) <Cory.Preston@epa.gov>
> **Cc:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** RE: Atlanta Visit
>
> Hi Preston,
>
> Great speaking with you this morning and thank you for the follow up – I'll get you an update by COB today.
>
> Thanks,

-Morgan

Morgan McCombs
Director of Scheduling
Office of Governor Nathan Deal
404-651-1151 office
404-463-5269 fax

From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Tuesday, January 9, 2018 10:13 AM
To: McCombs, Morgan <mmccombs@georgia.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Atlanta Visit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Early afternoon would be best actually.

From: Cory, Preston (Katherine)
Sent: Tuesday, January 9, 2018 10:11 AM
To: 'MMCCOMBS@georgia.gov' <MMCCOMBS@georgia.gov>
Cc: Tate Bennett <bennett.tate@epa.gov>
Subject: Atlanta Visit

Hi Morgan,

Thanks for taking our call this morning! As we mentioned, Administrator Pruitt will be in Georgia on Friday, January 19th. If possible, we'd like to set up a meeting with the Governor during the day to discuss regulatory reform, particularly Waters of the U.S.

If you could let us know about his availability, we are flexible and happy to come meet him at the Capitol or wherever works. My cell is listed below if you want to chat further.

Thanks and Go Dawgs (next year!),
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-579-4281

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 12/7/2017 8:37:08 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Sadler, Kelly J. EOP/WHO Ex. 6
Subject: RE: INVITE: Surrogate Roundtable w/Pruitt

Thanks Liz. I will pass this along to the Governor's scheduler.

Kyle

Kyle Roskam
Federal Relations Director - Washington D.C.
Office of Governor Scott Walker
Ex. 6
Kyle.Roskam@wisconsin.gov

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, December 07, 2017 12:33 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Sadler, Kelly J. EOP/WHO < Ex. 6 >
Subject: INVITE: Surrogate Roundtable w/Pruitt

Kyle - Below, please find an invitation we hope Governor Walker received from the director of surrogate operations at the White House, inviting you to an "end of the year" roundtable discussion with EPA Administrator Scott Pruitt. We hope you can make it and participate in the discussion. Please do not hesitate to contact me if you have any questions. Thank you for your consideration.

Sincerely,

Liz Bowman, on behalf of EPA Administrator Pruitt
202-309-3416
Bowman.Liz@epa.gov

Good morning.

We will be conducting and end-of-the year Roundtable with **EPA Administrator Scott Pruitt on Thursday, December 14 at 10:30 am in the White House Roosevelt Room.** The Administrator will highlight what he considers the agency's greatest achievements this year, what he's done to "drain the swamp" and spur U.S. energy dominance. Additionally, he'll be setting the priorities for the agency going into the New Year and open the floor to your questions.

To register for the event, please fill out the WAVES link below. I look forward to seeing as many of you as possible. I'll be sending a reminder email next week.

https://events.whitehouse.gov/?rid=QFMW63W7H7

Best,
Kelly

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 12/1/2017 1:23:36 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Media Release: Gov. Ricketts, Commodity Boards Praise Trump Administration's Final EPA RFS Volumes

Thanks, Matt!

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Friday, December 1, 2017 8:06 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: Media Release: Gov. Ricketts, Commodity Boards Praise Trump Administration's Final EPA RFS Volumes

Wanted to make sure you all had the statement we issued yesterday regarding the RFS

Thanks

Matt

From: Gage, Taylor
Sent: Thursday, November 30, 2017 1:37 PM
To: Gage, Taylor <taylor.gage@nebraska.gov>
Cc: Maher, Eric <eric.maher@nebraska.gov>; Robson, Luke <Luke.Robson@nebraska.gov>
Subject: Media Release: Gov. Ricketts, Commodity Boards Praise Trump Administration's Final EPA RFS Volumes

Governor Pete Ricketts
Growing Nebraska for the Next Generation

For Immediate Release:
1:35PM CT on November 30, 2017

Media Contacts:
Taylor Gage, Ex. 6
Eric Maher, Ex. 6

Media Release:

Gov. Ricketts, Commodity Boards Praise Trump Administration's Final EPA RFS Volumes

LINCOLN – Today, Governor Pete Ricketts, chairman of the Governors' Biofuels Coalition, and two Nebraska commodity boards issued statements on the EPA's announcement of the final renewable fuel volumes for 2018 under the Renewable Fuel Standard (RFS).

"Thank you to President Trump and Administrator Pruitt for their recognition of the important role of ethanol in meeting the fuel needs of Nebraskans and drivers across the country," said Governor Ricketts. "Finalizing the proposed volumes in a timely manner with minimal changes provides much-needed predictability, which helps ethanol producers plan for their businesses and spur growth in the biofuels industry. As the administration looks to future years, I urge them to maintain and grow a robust commitment to the RFS, so we can continue to develop the industry and our country's energy security."

"The RFS is an important floor for biofuel demand in the U.S., but producers must also continue efforts to expand domestic and international markets," said Todd Sneller, Nebraska Ethanol Board administrator. "Successfully expanding biofuel demand will generate additional opportunities for investment in new technology and new production capacity. Next-generation biofuels continue to evolve, but the new processes, productions, technology deployment, and jobs will not be realized if demand for biofuels stagnates. Biofuels make an increasingly important contribution to public health and the environment by displacing toxic compounds and harmful emissions from traditional fossil fuels."

"The EPA's decision to maintain the RFS blending quotas is a win for cleaner air, greater energy independence, corn farmers and rural economies," said Dave Merrell, Chairman of the Nebraska Corn Board. "With 30 percent, or nearly 600 million bushels, of Nebraska's corn going towards ethanol production, we applaud the EPA's decision, which follows Congressional intent, to blend 15 billion gallons of corn-based ethanol into the fuel supply. We've made great strides with corn-based ethanol, and we look forward to advancing the industry. With EPA's latest decision, we're on track to do this."

Nebraska ranks second in the nation for ethanol production. A list of Nebraska's 25 ethanol plants can be found by clicking here.

###

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 10/20/2017 9:29:52 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Touching base

Great! Thank you!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, October 20, 2017 4:15 PM
To: Catherine Cromer
Subject: Re: Touching base

That plan is great. Titles below:

Tate Bennett, Associate Administrator for Public Engagement
Liz Bowman, Associate Administrator for Public Affairs
Troy Lyons, Associate Administrator for Congressional and Intergovernmental Affairs
Sarah Greenwalt, Senior Advisor on Water Issues
Lincoln Ferguson, Senior Advisor

We will need to be in Franklin at 3:30. Also, here is the information on the farm event (said event at 3:30) in case the Governor or any of the officials (and staff!) would like to attend.

Information for Monday, October 23

- TFBF will invite up to 100 farmers, though number can change depending on conditions.
- Location will be at Eddie Sanders Farm who is the Williamson County Farm Bureau President.
  - 1495 Coleman Rd, Franklin TN

Sent from my iPad

On Oct 20, 2017, at 2:38 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Topics:

- WOTUS
  - Oak ridge cleanup
  - Custom cleaners superfund site
  - Efforts to reform superfund and brown fields funding
  - Funding for water and wastewater infrastructure especially in rural communities
  - EPA grants to states to implement core environmental programs

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 10/20/2017 8:45:39 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Stephen M. Smith [Stephen.M.Smith@tn.gov]
Subject: RE: Touching base

And to confirm, the plan is to have a roundtable discussion/Q&A and then the governor and administrator will have a few minutes alone to visit, correct?

From: Catherine Cromer
Sent: Friday, October 20, 2017 1:37 PM
To: 'Bennett, Tate'
Cc: Stephen M. Smith
Subject: RE: Touching base

Hey, Tate! Here's the information for Monday:

The meeting will take place in the Governor's Conference Room on the first floor of the Capitol (600 Charlotte Ave, Nashville, TN).

Attendees:

- Governor Haslam
- Commissioner Bob Martineau, Department of Environment & Conservation
- Commissioner Jai Templeton, Department of Agriculture
- Stephen Smith, Senior Advisor to the Governor for Policy

Topics:

- WOTUS
- Oak ridge cleanup
- Custom cleaners superfund site
- Efforts to reform superfund and brown fields funding
- Funding for water and wastewater infrastructure especially in rural communities
- EPA grants to states to implement core environmental programs

Do you mind to send me the titles for your attendees?

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, October 20, 2017 9:04 AM
To: Catherine Cromer
Subject: Re: Touching base

Good morning! I just wanted to see if you had an updated attendee list and list of topics the Governor may want to discuss for next week's meeting. Let me know and hope all is well. Tate

Sent from my iPad

On Oct 17, 2017, at 4:12 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Sorry I missed you! Do you all have an agenda set for the time?

On Oct 17, 2017, at 4:11 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey there! Just gave you a shout, but was really just looking for a list of attendees from the Governor's office for next Monday? He is welcome to bring his environmental cabinent/ ag folks with him. Let me know!
>
> On our end, it will be myself, Sarah Greenwalt, Lincoln Ferguson and Troy Lyons
>
> Elizabeth Tate Bennett
> Associate Administrator for Public Engagement & Environmental Education
> Office of the Administrator
> U.S. Environmental Protection Agency
> (202) 564-1460
> Bennett.Tate@epa.gov

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 10/26/2017 5:16:15 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Sara Bresnahan [Sbresnah@pahousegop.com]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Kirkland, William H. EOP/WHO Ex. 6
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]
Subject: RE: EPA Contact

Sara,

I would be happy to work with you anytime regarding the PWSA and drinking water issues in Pittsburgh. Give me a call anytime and we can work on the issues that you raised with Troy.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, VW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

-----Original Message-----
From: Lyons, Troy
Sent: Thursday, October 26, 2017 12:37 PM
To: Sara Bresnahan <Sbresnah@pahousegop.com>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Kirkland, William H. EOP/WHO Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
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Sara,

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Let's stay in touch on this issue and as always, please let me know how we can assist.

Many thanks.

Troy

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Sara Bresnahan Kennedy

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28th Legislative District
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412-369-2230
sbresnah@pahousegop.com
www.repturzai.com

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Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: EPA Contact

Billy, thank you for the intro.

Hi Sara,

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Thanks,
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations U.S. Environmental Protection Agency
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Billy Kirkland
Special Assistant to the President & Deputy Director White House Intergovernmental Affairs
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Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 11/14/2017 5:54:39 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Hirsch, Jane [Jane.Hirsch@nh.gov]
Subject: RE: Quick intro with EPA Office of Policy

We look forward to talking with you, Samantha!

-----Original Message-----
From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Monday, November 13, 2017 6:46 PM
To: Millerick, Jayne
Cc: Bennett, Tate; Hirsch, Jane
Subject: Re: Quick intro with EPA Office of Policy

Thank you all! I will be in touch tomorrow with a longer note, but long story short my family has been working with a veteran of Afghanistan and Iraq who lives in New Hampshire and is doing some career training and is very interested in doing some sort of internship with you all if possible. Thanks in advance.

Sent from my iPhone

> On Nov 13, 2017, at 12:25 PM, Millerick, Jayne <Jayne.Millerick@nh.gov> wrote:
>
> Hello Tate, thank you for the introduction. Nice to meet you, Samantha.
> Happy to talk anytime. Please feel free to reach out at your convenience.
> I would love to have Jane Hirsch, our policy lead for veterans (copied above), join our conversation as well.
>
> Have a great afternoon.
> Best,
> Jayne
>
>
> Jayne Millerick
> Chief of Staff, Governor Christopher T. Sununu State of New Hampshire
> Jayne.Millerick@nh.gov | Ex. 6
>
>
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Thursday, November 9, 2017 2:45 PM
> To: Millerick, Jayne
> Cc: Dravis, Samantha
> Subject: Quick intro with EPA Office of Policy
>
> Hi Ms. Jayne-
>
> I hope this finds you well. I wanted to introduce you to Samantha Dravis who heads Administrator Pruitt's Office of Policy. Samantha basically oversees all things regulatory/ interagency at EPA, in a nutshell!
>
> She specifically has a few questions to run by you regarding a potential opportunities for veterans in your office.
>
> Hopefully you two may connect soon.
>
> Best.
> Tate

Message

From: Sara Bresnahan [Sbresnah@pahousegop.com]
Sent: 10/31/2017 6:25:52 PM
To: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Kirkland, William H. EOP/WHO Ex. 6
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]
Subject: RE: EPA Contact

Preston, sounds great. Thank you, Sara

Sara Bresnahan Kennedy

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-----Original Message-----
From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Tuesday, October 31, 2017 9:57 AM
To: Sara Bresnahan <Sbresnah@pahousegop.com>; Lyons, Troy <lyons.troy@epa.gov>; Kirkland, William H. EOP/WHO Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: EPA Contact

Sara,

Thanks for flagging! Per our chat last week, I do think it would be great to get the Speaker and the Administrator on a call sometime soon. I will work with our advance team and shoot you some available times.

Best,
Preston

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations U.S. Environmental Protection Agency
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-----Original Message-----
From: Sara Bresnahan [mailto:Sbresnah@pahousegop.com]
Sent: Tuesday, October 31, 2017 9:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Kirkland, William H. EOP/WHO Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: EPA Contact

Good Morning, here is another story that is set to air tonight regarding PWSA.
http://www.wpxi.com/news/top-stories/tonight-at-5-pwsa-emails-shed-light-on-chemical-change-that-may-have-caused-increased-lead/634271483

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Special Advisor

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Subject: EPA Contact

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Special Assistant to the President & Deputy Director White House Intergovernmental Affairs
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Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 10/16/2017 1:42:49 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Quick Q
Attachments: DRAFT PRUITT NE SCHEDULE UPDATED - REVISED.DOCX

Updated schedule attached

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 8:10 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Quick Q

I think we should invite the same Members as last time--do you agree?

-----Original Message-----
From: Bennett, Tate
Sent: Monday, October 16, 2017 9:04 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Quick Q

Copying Troy who can make that call. Troy this is regarding Nebraska on Friday.

> On Oct 16, 2017, at 8:48 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> Will your team be inviting our federal delegation gain or would you like us to do that?
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, October 10, 2017 5:58 PM
> To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> Subject: Quick Q
>
> Do you have a draft schedule from last time?

Nebraska Events with Administrator Scott Pruitt
Friday, October 20, 2017
Lincoln, NE

- 7:40 am: KFAB radio Morning Show - LIVE
  - Host: Gary Sadlemyer
  - Largest listenership in Nebraska

- 9:00 am: Individual Media Interviews
  - Governor's Residence, 1425 H Street, Lincoln
  - Focus on Ag media
    - Radio
      - KRVN – Susan Littlefield
      - Brownfield – Ken Anderson
    - TV
      - KOLN – John Vanderford
      - NTV – Steve White
    - Print
      - AP – Grant Shulte
      - Nebraska Farmer – Tyler Harris

- 10:00 am: Briefing with Administrator Pruitt, Governor Ricketts and Cabinet Members
  - Governor's Residence, 1425 H Street, Lincoln
  - Cabinet Attendees:
    - Greg Ibach: Agriculture
    - Courtney Dentlinger: Economic Development
    - David Bracht: Energy
    - Jim Macy: Environmental Quality
    - Jeff Fassett: Natural Resources
    - Kyle Schneweis: Transportation
    - Mike Foley: Lt. Governor
    - Matt Miltenberger: Governor's Chief of Staff
    - Lauren Kintner: Governor's Policy Research Advisor

- 11:00 am: Roundtable Discussion with Administrator Pruitt, Governor Ricketts and members of Common Sense Nebraska Coalition (NE Coalition formed to oppose WOTUS)
  - Governor's Residence, 1425 H Street, Lincoln
  - Common Sense Nebraska Coalition members attached

- 12:15 pm: Conclude

DRAFT

Message

From: Sara Bresnahan [Sbresnah@pahousegop.com]
Sent: 10/26/2017 4:30:32 PM
To: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Kirkland, William H. EOP/WHO Ex. 6
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Subject: RE: EPA Contact
Attachments: PWSA Articles February 2016 - December 2016.pdf; PWSA Articles January 2017 - February 2017.pdf; PWSA Articles March 2017 - May 2017.pdf; Newspaper Articles on Turzai's PWSA Proposal.pdf; PWSA Bullets 5-25-17.pdf; Letter to Peduto 5-25-17.pdf; IMG PWSA Summary.pdf

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Presentation to the Mayor's Blue Ribbon Panel on PWSA Restructuring

An Interim Report
August 28, 2017

Presented by

Steve Steckler
Infrastructure Management Group, Inc.

Initial Impressions at the Senior Management Level

1. PWSA is barely holding on thanks to its interim director, its CFO and the yeoman-like dedication of most of its staff

2. Recent initiatives under senior management could address a few of the well-know problems (e.g., billing).

3. It's financial situation will be improved, but only slightly, with the planned financial restructuring. Much more is required.

4. PWSA's structural governance and organization are not suited to its enormous operational and physical problems, nor to its multi-billion dollar repair ambitions

IMG
Infrastructure Management Group, Inc.

Selected Quotes from IMG's Internal Draft Operations & Asset Management Review (1)

1. **FIRST LOOK:** "Notwithstanding the competence and leadership of the interim executive director, the professionalism of the CFO and some other managers, and the foxhole valor of many staff in the field, PWSA is a failed organization atop a dangerous and crumbling structure."

2. **CULTURE:** "PWSA has an entrenched culture of operational apathy, coupled with the absence of skill sets and operating systems that are absolutely essential to a utility of its size."

3. **MISMATCHED:** "It is one thing for Pittsburgh to have an aging system in demonstrably worse condition than any water utility its size in the country; it is quite another to hope that it can be efficiently improved by spending billions of dollars through an organization so bereft of the most basic work culture and management tools."

IMG
Infrastructure Management Group, Inc

Money line

Selected Quotes from Internal Draft Operations & Asset Management Review (2)

- **SKILLS:** "There are pockets of technical acumen and skill throughout the organization, but those employees appear either underutilized or overwhelmed by urgency. There is no evidence of any structured staff development or training program to correct this issue."

- **THE TOOLS AT HAND:** "There appears to be no technical ability to maintain the [water treatment] plant, with no evidence of a maintenance program. No basic maintenance shop equipped with typical maintenance shop tools was seen, nor any evidence that operationally critical equipment was subject to any maintenance. If maintenance was performed, it was recorded not electronically but on note cards and log books. This lack of usable maintenance records is unimaginable for a system so large and dilapidated. As management systems go, PWSA is in the stone age."

IMG
Infrastructure Management Group, Inc.

Selected Quotes from Internal Draft Operations & Asset Management Review (3)

- **PRODUCTIVITY:** "Although many staff conducted themselves with integrity and seriousness of purpose, the notable absence of simple housekeeping maintenance suggests a lack of care, skills or both, but – at the time of our observation -- certainly not staff. Yet there are plans to increase staff by 10 at that plant alone.
- **STAFF AVAILABILITY:** "The high level of staff on short-term disability, reported to be about 20 percent, is additional evidence of a dysfunctional culture. This could stem from either an ineffective safety program, or the result of a long-standing culture that accepts this type of behavior."
- **SETTING PRIORITIES:** "There are no means of accurately creating a meaningful priority list of rehabilitation and repairs, or even maintenance priorities other than "broken." Efforts to prioritize have been sporadic, project specific, and appear not to consider the whole system's needs."

IMG
Infrastructure Management Group, Inc

Selected Quotes from Internal Draft Operations & Asset Management Review (4)

- **AT THE SWITCH:** "SCADA [Supervisory Control And Data Acquisition – the control system used to monitor the water treatment process] were absent for significant periods of time from their stations (two of the three cases), and appeared to have limited knowledge of how to manage the SCADA system, demonstrating only the most basic of skills to switch screens."
- **EQUIPMENT:** "Almost every piece of rotating equipment seen at the water treatment plant (other than newly installed items) was in a condition of significant neglect. Pump body seals were leaking, with evidence of scaled up chemicals and fresh leakage that could have been prevented with a little tightening of some of the easily accessed bolts."
- **WHAT TO FIX FIRST:** "Money is being spent on the greatest *perceived* need of the moment rather than in a strategic and comprehensive facility-wide risk-based approach."

IMG
Infrastructure Management Group, Inc.

Selected Quotes from Internal Draft Operations & Asset Management Review (5)

- **ASSET MANAGEMENT APPROACH:** "The EPA Asset Management System used by PWSA is suitable only for the 'lowest common denominator,' such as a small rural plants with unsophisticated staff. It is insufficient -- and indeed, misleading -- for a system of PWSA's size. By focusing on simple "needs" before assessing real risks and criticality, PWSA threatens to waste hundreds of millions of dollars of in its long-term capital program.

- **STRATEGY:** "Most importantly, PWSA lacks a holistic strategy – organizationally, physically, operationally and financially – for correcting its problems. The current panacea is that PUC regulation will provide cover for dramatically higher water and sewer rates, thereby providing a windfall to buy its way out of its problems. However, this approach is likely to run into fierce and understandable stakeholder opposition without newfound credibility – including a detailed and coherent plan, fully supported by *all* stakeholders -- of how the organization will be radically and permanently reformed. Accordingly, such PUC intervention is, at best, very premature."

IMG
Infrastructure Management Group, Inc

Message

From: Vaughn, Kari (LARA) [VaughnK3@michigan.gov]
Sent: 10/10/2017 5:40:36 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Requested call with Valerie Brader

Hi Tate –

Did you still need me to work with Tim O'Brien's assistant to see if we can find a time for the three of you to have a call? If so, how much time do you need, and what is the subject of the call?

Kari
Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, September 12, 2017 5:59 PM
To: Vaughn, Kari (LARA) <VaughnK3@michigan.gov>
Subject: RE: Requested call with Valerie Brader

Hi Kari! Thanks again for setting up our call this evening. Much appreciated!

At some point in the coming weeks, my team, Valerie and Tim O'Brien need to all hop on the phone for a follow-up call. Do you mind at some point sending me some days at times that might work for them?

Thanks in advance!

-Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

From: Vaughn, Kari (LARA) [mailto:VaughnK3@michigan.gov]
Sent: Monday, September 11, 2017 11:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Requested call with Valerie Brader

Good Morning:

I understand that you would like to have a quick phone call with Director Brader. Can you tell me how much time you are looking for and what the subject matter would be? That will help me find an appropriate time for the call.

Thank you,

Kari L. Vaughn
Senior Executive Management Assistant to Director Valerie Brader
and Deputy Director Madhu Anderson
Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 10/16/2017 1:34:43 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Quick Q

Agreed.

Also, we are going to start reaching out to our WOTUS partners today.

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 8:10 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Quick Q

I think we should invite the same Members as last time--do you agree?

-----Original Message-----
From: Bennett, Tate
Sent: Monday, October 16, 2017 9:04 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Quick Q

Copying Troy who can make that call. Troy this is regarding Nebraska on Friday.

> On Oct 16, 2017, at 8:48 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> Will your team be inviting our federal delegation gain or would you like us to do that?
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, October 10, 2017 5:58 PM
> To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> Subject: Quick Q
>
> Do you have a draft schedule from last time?

Message

From: Mercer, Paul [Paul.Mercer@maine.gov]
Sent: 7/11/2018 2:49:09 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Dunn, Alexandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=426d0177eaab4001a5c85f051565997e-Dunn, Alexa]; melanie.loyzim@maine.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=083218e6a44d4b6b857a9a50fdcaa4d4-melanie.loyzim@maine.gov]; Madore, David [David.Madore@maine.gov]
Subject: RE: Connecting you both for the 25th so you can do some event brainstorming

Tate,
I am in my office and available for a call anytime.
My mobile is probably best and again that # is: Ex. 6
Please see link below and let's discuss.

Paul

https://www.ellsworthamerican.com/maine-news/bucksport-receives-200000-epa-use-old-paper-mill-site/

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, July 11, 2018 5:48 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Mercer, Paul <Paul.Mercer@maine.gov>
Subject: Re: Connecting you both for the 25th so you can do some event brainstorming

Thank you! Commissioner- is there a good time to give you a shout this morning? Will gladly work around your schedule.

On Jul 11, 2018, at 5:16 AM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Tate is at Ex. 6 mobile

Paul is at Ex. 6 mobile

Sent from my iPhone

Alexandra Dapolito Dunn, J.D.
Regional Administrator
Region 1 New England
Ex. 6

This email is for official EPA business only and may be subject to disclosure under the Freedom of information Act

Message

From: Mike Thompson [mthompson@CRCPublicRelations.com]
Sent: 10/17/2017 11:17:46 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: WHITE HOUSE INVITATION FOR OCTOBER 17 : Policy Briefing with EPA Administrator Pruitt

703.395.9614

On Oct 17, 2017, at 17:11, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> What is your cell. No meeting tomorrow but will have all relevant info packaged and ready for you to get to work on!
>
> ---
>
> **From:** Mike Thompson [mailto:mthompson@CRCPublicRelations.com]
> **Sent:** Monday, October 16, 2017 5:38 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Keith Appell <kappell@CRCPublicRelations.com>
> **Subject:** Re: WHITE HOUSE INVITATION FOR OCTOBER 17 : Policy Briefing with EPA Administrator Pruitt
>
> I will be there. Just registered.
>
> On Oct 16, 2017, at 16:18, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> Can you guys attend yourselves? Just RSVP at the link below!
>
> **Tuesday, October 17th**
> **2:15pm - 3:00pm**
> **Room 472 of the Eisenhower Executive Office Building at the White House**
>
> **Ex. 6**
>
> And please do make sure that what you enter at the link above matches what is on the ID you will use at the security gate. We've had people denied entry to the complex because their information was one key stroke off or because they used a shortened version of their name, rather than what's printed on their ID.
>
> At about 1:45/2:00pm on Tuesday the 17th, enter at 17th and State Place (at the intersection with New York Avenue, Northwest). Once you go thru both security checkpoints, head straight ahead, and on your left is the EEOB. Turn left into the first ground-level driveway-like entrance up to the EEOB. Then turn right and enter the EEOB. Take the elevator on the right to the 4th floor, where you'll find room 472.

Please note that this invitation is for you specifically. Please do not forward it to anyone.

Thank you, and see you soon!

Paul Teller
Special Assistant to the President for Legislative Affairs
The White House

Ex. 6

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 10/18/2017 5:41:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Touching base

Hey, Tate! I've tried to call you back, but your mailbox is full. I should be at Ex. 6 this afternoon if you have time to give me a call.

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, October 17, 2017 4:14 PM
To: Catherine Cromer
Subject: RE: Touching base

We were thinking roundtable, he can speak a bit and then Q&A. Happy to try you back or my cell is Ex. 6

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Tuesday, October 17, 2017 5:12 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Touching base

Sorry I missed you! Do you all have an agenda set for the time?

On Oct 17, 2017, at 4:11 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey there! Just gave you a shout, but was really just looking for a list of attendees from the Governor's office for next Monday? He is welcome to bring his environmental cabinent/ ag folks with him. Let me know!
>
> On our end, it will be myself, Sarah Greenwalt, Lincoln Ferguson and Troy Lyons
>
> Elizabeth Tate Bennett
> Associate Administrator for Public Engagement & Environmental Education
> Office of the Administrator
> U.S. Environmental Protection Agency
> (202) 564-1460
> Bennett.Tate@epa.gov

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 10/18/2017 4:26:50 PM
To: Beth Tipps [Beth.Tipps@tn.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Administrator Pruitt and Gov. Haslam Meeting

No problem! Thanks, Beth.

-----Original Message-----
From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Wednesday, October 18, 2017 12:25 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Administrator Pruitt and Gov. Haslam Meeting

Preston, my apologies. There clearly was some confusion on our end on schedules. We will circle back with the possible topics.
Thank you,
Beth

-----Original Message-----
From: Beth Tipps
Sent: Wednesday, October 18, 2017 9:27 AM
To: 'Cory, Preston (Katherine)'
Subject: RE: Administrator Pruitt and Gov. Haslam Meeting

Hi Preston,
According to our records, Governor Haslam is not scheduled to meet with Admin. Pruitt on the 23rd.
Thanks,
Beth

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
p. Ex. 6
beth.tipps@tn.gov

-----Original Message-----
From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Tuesday, October 17, 2017 4:03 PM
To: Beth Tipps
Subject: Administrator Pruitt and Gov. Haslam Meeting

Hi Beth,

I am wondering if your office could send over a list of possible topics the Governor will want to discuss with Administrstor Pruitt during their meeting on October 23.

Thanks!
Preston

K. Preston Cory
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
202-579-4281

Message

From: Sara Bresnahan [Sbresnah@pahousegop.com]
Sent: 10/25/2017 8:48:51 PM
To: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
CC: Kirkland, William H. EOP/WHO [redacted]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: EPA Contact

Yes. I have one meeting from 9 to 1015. I am in office no later than 8. Whatever works best for you. Thanks, Sara

Sent from my iPhone

> On Oct 25, 2017, at 4:27 PM, Cory, Preston (Katherine) <Cory.Preston@epa.gov> wrote:
>
> Billy, thank you for the intro.
>
> Hi Sara,
>
> Could you do a call tomorrow morning per chance?
>
> Thanks,
> Preston Cory
>
>
> K. Preston Cory
> Special Advisor
> Office of the Administrator, Congressional and Intergovernmental Relations
> U.S. Environmental Protection Agency
> [redacted]
>
>
>
> -----Original Message-----
> From: Sara Bresnahan [mailto:Sbresnah@pahousegop.com]
> Sent: Wednesday, October 25, 2017 4:07 PM
> To: Kirkland, William H. EOP/WHO <[redacted]
> Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
> Subject: RE: EPA Contact
>
> Happy to help. Send them my way. SBK
>
> Sara Bresnahan Kennedy
>
> Representative Mike Turzai's Office
> Speaker of the House of Representatives
> 28th Legislative District
> 125 Hillvue Lane
> Town of McCandless
> Pittsburgh, PA 15237
> [redacted]
> sbresnah@pahousegop.com
> www.repturzai.com
>
>
> -----Original Message-----
> From: Kirkland, William H. EOP/WHO [redacted]
> Sent: Wednesday, October 25, 2017 4:03 PM
> To: Sara Bresnahan <Sbresnah@pahousegop.com>
> Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
> Subject: EPA Contact
>
> Sara,
>
> I hope you are doing well. I have cc'ed two of our great IGA team members from EPA on these e-mail. They had some PA specific questions and I told them you would be the person to ask.
>

>
> Thanks,
>
> Billy Kirkland
> Special Assistant to the President & Deputy Director White House Intergovernmental Affairs

Ex. 6

>
>
> The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.
The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

Message

From: Dunn, Alexandra [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=426D0177EAAB4001A5C85F051565997E-DUNN, ALEXA]
Sent: 7/11/2018 9:16:02 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Paul Mercer [paul.mercer@maine.gov]
Subject: Connecting you both for the 25th so you can do some event brainstorming

Tate is at Ex. 6 mobile

Paul is at Ex. 6 mobile

Sent from my iPhone

Alexandra Dapolito Dunn, J.D.
Regional Administrator
Region 1 New England
Ex. 6

This email is for official EPA business only and may be subject to disclosure under the Freedom of information Act

Message

From: Hoelscher, Douglas L. EOP/WHO Ex. 6
Sent: 10/16/2017 3:04:43 PM
To: Groen, Stephanie [stephanie.groen@iowa.gov]; Gray, Christopher S. EOP/WHO Ex. 6 Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Rollins, Blake - OSEC, Washington, DC [Blake.Rollins@osec.usda.gov]; Willard, Aaron (Federal) [AWillard@doc.gov]; Kellogg, Bryan [Bryan.Kellogg@hq.doe.gov]; Krohn, John [John.Krohn@hq.doe.gov]; Mahroum, Eric [Eric.Mahroum@hq.doe.gov]
CC: Contact [denise.coatney@ks.gov]; Scharf, Will [Will.Scharf@governor.mo.gov]; Goddard, Matt [GO] [Matt.Goddard@ks.gov]; Roberts Hunter [Hunter.Roberts@state.sd.us]; Lyon, Kayla [kayla.lyon@iowa.gov]; Ryan Koopmans [ryan.koopmans@iowa.gov]; jake.ketzner@iowa.gov
Subject: RE: Letter to the President

Hi Stephanie,

Acknowledging receipt. Thanks for relaying.

Sincerely,
Doug

From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Monday, October 16, 2017 10:55 AM
To: Hoelscher, Douglas L. EOP/WHO Ex. 6; Gray, Christopher S. EOP/WHO Ex. 6 Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Rollins, Blake - OSEC, Washington, DC <Blake.Rollins@osec.usda.gov>; Willard, Aaron (Federal) <AWillard@doc.gov>; Kellogg, Bryan <Bryan.Kellogg@hq.doe.gov>; Krohn, John <John.Krohn@hq.doe.gov>; Mahroum, Eric <Eric.Mahroum@hq.doe.gov>
Cc: Contact <denise.coatney@ks.gov>; Scharf, Will <Will.Scharf@governor.mo.gov>; Goddard, Matt [GO] <Matt.Goddard@ks.gov>; Roberts Hunter <Hunter.Roberts@state.sd.us>; Lyon, Kayla <kayla.lyon@iowa.gov>; Ryan Koopmans <ryan.koopmans@iowa.gov>
Subject: Letter to the President

Doug, Christopher, and Impacted Federal Agency Contacts,

Attached you will find a courtesy electronic copy of a letter from Governors Reynolds, Brownback, Greitens, and Daugaard to President Trump regarding biodiesel.

Please do not hesitate to reach out with any questions.

Best,
Stephanie
--

Stephanie Groen | Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Kim Reynolds and Lt. Gov. Adam Gregg

202.624.5479 | stephanie.groen@iowa.gov

>www.governor.iowa.gov<

>www.ltgovernor.iowa.gov<

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 10/25/2017 8:26:43 PM
To: Sara Bresnahan [Sbresnah@pahousegop.com]; Kirkland, William H. EOP/WHC Ex. 6
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPA Contact

Billy, thank you for the intro.

Hi Sara,

Could you do a call tomorrow morning per chance?

Thanks,
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6

-----Original Message-----
From: Sara Bresnahan [mailto:Sbresnah@pahousegop.com]
Sent: Wednesday, October 25, 2017 4:07 PM
To: Kirkland, William H. EOP/WHO Ex. 6
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Contact

Happy to help. Send them my way. SBK

Sara Bresnahan Kennedy

Representative Mike Turzai's Office
Speaker of the House of Representatives
28th Legislative District
125 Hillvue Lane
Town of McCandless
Pittsburgh, PA 15237
412-369-2230
sbresnah@pahousegop.com
www.repturzai.com

-----Original Message-----
From: Kirkland, William H. EOP/WHO Ex. 6
Sent: Wednesday, October 25, 2017 4:03 PM
To: Sara Bresnahan <Sbresnah@pahousegop.com>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Contact

Sara,

I hope you are doing well. I have cc'ed two of our great IGA team members from EPA on these e-mail. They had some PA specific questions and I told them you would be the person to ask.

Thanks,

Billy Kirkland
Special Assistant to the President & Deputy Director White House Intergovernmental Affairs
Ex. 6

Ex. 6

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Message

From: Groen, Stephanie [stephanie.groen@iowa.gov]
Sent: 10/16/2017 2:55:00 PM
To: Hoelscher, Douglas [Ex. 6] Gray, Christopher S. EOP/WHO [Ex. 6] Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Rollins, Blake - OSEC, Washington, DC [Blake.Rollins@osec.usda.gov]; Willard, Aaron (Federal) [AWillard@doc.gov]; Kellogg, Bryan [Bryan.Kellogg@hq.doe.gov]; Krohn, John [John.Krohn@hq.doe.gov]; Mahroum, Eric [Eric.Mahroum@hq.doe.gov]
CC: Contact [denise.coatney@ks.gov]; Scharf, Will [Will.Scharf@governor.mo.gov]; Goddard, Matt [GO] [Matt.Goddard@ks.gov]; Roberts Hunter [Hunter.Roberts@state.sd.us]; Lyon, Kayla [kayla.lyon@iowa.gov]; Ryan Koopmans [ryan.koopmans@iowa.gov]
Subject: Letter to the President
Attachments: Governors RFS letter to Trump Updated--.pdf

Doug, Christopher, and Impacted Federal Agency Contacts,

Attached you will find a courtesy electronic copy of a letter from Governors Reynolds, Brownback, Greitens, and Daugaard to President Trump regarding biodiesel.

Please do not hesitate to reach out with any questions.

Best,
Stephanie
--

Stephanie Groen | Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Kim Reynolds and Lt. Gov. Adam Gregg

202.624.5479 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

October 16, 2017

The President
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

We appreciate your repeated commitments to support rural America. We, and millions of our citizens, were drawn to your passionate support of the Renewable Fuel Standard (RFS) and to your explicit promises to our farmers that you would support investments in fuels like biodiesel and ethanol through the RFS.

We write to you now, though, because we are concerned--concerned about where the EPA's proposed implementation of RFS policy is heading, and concerned about what that will do to our renewable fuel producers, farmers and rural economy.

Since his appointment, Administrator Scott Pruitt has been willing to engage us on issues that are important to our states. We are thankful for that, and we appreciate his willingness to listen. Recently, though, the EPA has taken unprecedented action and sent signals that it is moving towards a policy that diverges from your commitment to the RFS and rural America.

Two weeks ago, the EPA requested comment on whether it should further reduce the total, advanced and biomass-based diesel volumes beyond the recently proposed (and ill-advised) cuts to the 2018-19 RFS volumes. The EPA also signaled its intent to waive the biomass-based diesel volume for 2018 that it set almost a year ago. That indicates a willingness to upend a decision producers and other stakeholders have already relied upon to make investments, contractual commitments, and create jobs.

These proposed actions threaten the livelihood of tens of thousands of American farmers and workers who rely on biofuels to support their livelihood. Indeed, every 500 million gallons of increased biodiesel production supports roughly 16,000 good-paying jobs in rural America.

To justify the reduction in the RFS biodiesel volumes, the EPA focuses largely on imports. The theory, as the EPA explains it, is that when setting the RFS volume, the EPA should focus on the amount of domestic production and thus set the RFS volume blindly to what is imported into the US.

That is a significant departure from what's been done before (even under the Obama Administration) and if it takes effect, it will necessarily lead to the reduction of US production and the loss of thousands of jobs in rural America. That's because these imported volumes—while not counted when setting the RFS volume—*will still be part of the RFS program*, meaning that they will still generate RINS. And because foreign subsidies and other factors often make these imports cheaper than U.S.-produced biodiesel, foreign imports will stay steady while domestic production falls. In other words, by focusing on imports, the EPA will actually increase their prominence as a percentage of the industry. That's exactly backwards.

The EPA also seems concerned that the Department of Commerce *might* finalize duties on imports from two countries—Argentina and Indonesia—meaning that the illegal dumping will finally stop. While we hope that happens (the final decision is still pending) that is not a cause for reducing the RFS volume. Last year, domestic biomass-based diesel production and imports from *other* countries exceeded what the EPA is proposing for 2019 and what it has set for 2018. And we already know that at least 200 million gallons of new domestic production capacity will be coming on-line in the next year. So there's nothing to worry about in terms of domestic production capacity. It will be there; we promise you that, Mr. President.

The stated purpose of the RFS is to *grow* demand for biofuels—to push the industry to innovate. Far from pushing the industry, the EPA's proposals take us backwards. Cutting the biomass-based diesel volume set a year ago is not only unnecessary, it's highly disruptive, unprecedented and potentially catastrophic. In fact, the proposal alone has already driven commodity prices down, costing our farmers precious earnings and our communities critically needed revenue.

Lastly, news outlets have reported that EPA is considering allowing RINs from exported gallons of U.S. biofuel to be used to satisfy an obligated party's RFS requirement. The letter of the law requires the renewable fuel be used in the United States, and the spirit of the law is to expand consumer access to and use of renewable fuels in our country, as well as to strengthen our energy security. Finally, by incenting ethanol exports, the proposal runs counter to US trade commitments and could spark a trade war with Canada and other trading partners.

The practical impact of this proposal would be to set up a cannibalistic, zero-sum scenario that in effect would be no different than simply cutting the 15 billion gallon convention RFS level by the amount of ethanol exported. In effect, for every gallon exported there would be one less gallon used domestically. This is not the recipe for US energy dominance. What the EPA is reportedly considering would devastate the renewable fuels industry, increase the cost of fuel for consumers, remove the incentive to offer higher blends like E15, and gut the RFS for all practical purposes.

Mr. President, the Renewable Fuel Standard revitalized our rural communities, bringing jobs and hope. The RFS was instrumental in helping major parts of rural America survive the 2008 recession. This program increased commodity values, personal earnings, local and state tax revenues, and economic activities in small towns across the heartland. It is an incredibly successful program that has boosted the agricultural economies in our states.

The renewable fuels industry in our states—and others—is poised to grow if the EPA sends positive and consistent market signals through increases in the required volumes. That will enhance America's energy security, value-added agriculture, and rural economic prosperity. We urge you to continue to fulfill your promises, to continue your support for all biofuels under the RFS, and to continue to put America first.

We look forward to our continuing work with you to Make America Great Again.

Sincerely,

Kim Reynolds
Governor of Iowa

Sam Brownback
Governor of Kansas

Eric Greitens
Governor of Missouri

Dennis Daugaard
Governor of South Dakota

cc: Administrator Scott Pruitt
Secretary Sonny Perdue
Secretary Wilbur Ross
Secretary Rick Perry

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 10/16/2017 2:44:20 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Quick Q

Perfect. Thanks!

-----Original Message-----
From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Monday, October 16, 2017 10:40 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Quick Q

Both works for me.

I have reached out to Sen. Sasse's office. I'll let you handle Sen. Fischer if you like.

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 9:39 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Quick Q

Both, unless you prefer just one.

Also, in August you were going to invite Sasse and we were going to Fischer. Should we stick to that plan?

-----Original Message-----
From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Monday, October 16, 2017 9:41 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Quick Q

Troy-

Are you planning to invite the delegation to both the 10:00 am briefing with the Governor's Cabinet and the 11:00 am Roundtable or just the Roundtable?

Thank you

Matt

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 8:10 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Quick Q

I think we should invite the same Members as last time--do you agree?

-----Original Message-----
From: Bennett, Tate
Sent: Monday, October 16, 2017 9:04 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Quick Q

Copying Troy who can make that call. Troy this is regarding Nebraska on Friday.

> On Oct 16, 2017, at 8:48 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> Will your team be inviting our federal delegation gain or would you like us to do that?
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, October 10, 2017 5:58 PM
> To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> Subject: Quick Q

>
> Do you have a draft schedule from last time?

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 10/23/2017 2:11:17 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Quick question

Catherine,

Just want to confirm that Administrator Pruitt's meeting with Governor Haslam today at 2PM will be in the Governor's office at the Capitol.

Could you kindly let us know who else will be in attendance?

Warm regards,
Millan

Sent from my iPhone

> On Oct 22, 2017, at 6:56 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
> Glad everything's set!
>
>> On Oct 22, 2017, at 4:41 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> Awesome! Should have checked with you first! Please disregard, Catherine!
>>
>>> On Oct 22, 2017, at 5:40 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:
>>>
>>> We covered this during our walk-through today. They have your names and will ensure you have a parking space.
>>>
>>> Sent from my iPad
>>>
>>>> On Oct 22, 2017, at 4:38 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>>
>>>> We will have staff is an added rental car- do you have suggestions on where our extra staff car may park at the Capital? Sorry to bother!

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 10/11/2017 12:05:59 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Quick Q
Attachments: DRAFT PRUITT NE SCHEDULE UPDATED.DOCX

Here you go

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, October 10, 2017 5:58 PM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Quick Q

Do you have a draft schedule from last time?

Nebraska Events with Administrator Scott Pruitt
Friday, October 20, 2017
Lincoln, NE

- 7:40 am: KFAB radio Morning Show - LIVE
  - Host: Gary Sadlemyer
  - Largest listenership in Nebraska

- 8:00 am: Individual Media Interviews
  - Governor's Residence, 1425 H Street, Lincoln
  - Focus on Ag media
    - Radio
      - KRVN – Jesse Harding
      - Brownfield – Ken Anderson
    - TV
      - KOLN – John Vanderford
      - NTV – Steve White
    - Print
      - AP – Grant Shulte
      - Nebraska Farmer – Tyler Harris

- 9:30 am: Briefing with Administrator Pruitt, Governor Ricketts and Cabinet Members
  - Governor's Residence, 1425 H Street, Lincoln
  - Cabinet Attendees:
    - Greg Ibach: Agriculture
    - Courtney Dentlinger: Economic Development
    - David Bracht: Energy
    - Jim Macy: Environmental Quality
    - Jeff Fassett: Natural Resources
    - Kyle Schneweis: Transportation
    - Mike Foley: Lt. Governor
    - Matt Miltenberger: Governor's Chief of Staff
    - Lauren Kintner: Governor's Policy Research Advisor

- 10:30 am: Roundtable Discussion with Administrator Pruitt, Governor Ricketts and members of Common Sense Nebraska Coalition (NE Coalition formed to oppose WOTUS)
  - Governor's Residence, 1425 H Street, Lincoln
  - Common Sense Nebraska Coalition members attached

- 12:00 pm: Conclude

DRAFT

Message

From: Alexandra Dapolito Dunn [adunn@ecos.org]
Sent: 10/31/2017 9:30:05 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Todd Parfitt [todd.parfitt@wyo.gov]
Subject: Re: Good to see you today!

Congratulations on a successful event!

Alexandra Dapolito Dunn, Esq.

Executive Director & General Counsel

Environmental Council of the States

50 F Street, NW, Suite 350

Washington, DC 20001

Ex. 6 *;202-266-4937 (F)*

adunn@ecos.org; Twitter @ECOStates

See my research: http://ssrn.com/author=1356207

Save the Date! ECOS' Spring Meeting, 3/20-3/22, St. Paul, Minnesota www.ecos.org

On Tue, Oct 31, 2017 at 4:02 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Thanks again for all your help!
>
> Elizabeth Tate Bennett
>
> Associate Administrator for Public Engagement & Environmental Education
>
> Office of the Administrator
>
> U.S. Environmental Protection Agency
>
> (202) 564-1460
>
> Bennett.Tate@epa.gov

Message

From: Kirkland, William H. EOP/WHO Ex. 6
Sent: 10/25/2017 8:03:23 PM
To: Sara Bresnahan [Sbresnah@pahousegop.com]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: EPA Contact

Sara,

I hope you are doing well. I have cc'ed two of our great IGA team members from EPA on these e-mail. They had some PA specific questions and I told them you would be the person to ask.

Thanks,

Billy Kirkland
Special Assistant to the President & Deputy Director
White House Intergovernmental Affairs
Ex. 6

Message

From: Keith Appell [kappell@CRCPublicRelations.com]
Sent: 10/16/2017 8:24:08 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Question from the boss!

I'd be there if I wasn't out of pocket tomorrow. That's a good group.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, October 16, 2017 4:22 PM
To: Keith Appell <kappell@CRCPublicRelations.com>
Subject: FW: Question from the boss!

See link. I'm trying to build it out as much as I can.

From: Teller, Paul S. EOP/WHO Ex. 6
Sent: Monday, October 16, 2017 4:15 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Question from the boss!

No prob. I'm about to re-blast out the invite, so we get a few more folks, but here's who we have so far:
Ex. 6

Paul Teller
Special Assistant to the President for Legislative Affairs
The White House
Ex. 6

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, October 16, 2017 4:08 PM
To: Teller, Paul S. EOP/WHO Ex. 6
Cc: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Question from the boss!

Hey Paul! Sorry to bother, but do you happen to have a draft list of those who have RSVP'd for our 2:15 tomorrow? Thanks so much!

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Keith Appell [kappell@CRCPublicRelations.com]
Sent: 10/16/2017 8:20:15 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Mike Thompson [mthompson@CRCPublicRelations.com]
Subject: RE: WHITE HOUSE INVITATION FOR OCTOBER 17 : Policy Briefing with EPA Administrator Pruitt

Would love to Tate, but I'm out all day tomorrow – taking a vacation day. Which groups are coming?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, October 16, 2017 4:19 PM
To: Keith Appell <kappell@CRCPublicRelations.com>; Mike Thompson <mthompson@CRCPublicRelations.com>
Subject: FW: WHITE HOUSE INVITATION FOR OCTOBER 17 : Policy Briefing with EPA Administrator Pruitt

Can you guys attend yourselves? Just RSVP at the link below!

Tuesday, October 17th
2:15pm - 3:00pm
Room 472 of the Eisenhower Executive Office Building at the White House

RSVP by carefully filling out your security information here:
Ex. 6

And please do make sure that what you enter at the link above matches what is on the ID you will use at the security gate. We've had people denied entry to the complex because their information was one key stroke off or because they used a shortened version of their name, rather than what's printed on their ID.

At about 1:45/2:00pm on Tuesday the 17th, enter at 17th and State Place (at the intersection with New York Avenue, Northwest). Once you go thru both security checkpoints, head straight ahead, and on your left is the EEOB. Turn left into the first ground-level driveway-like entrance up to the EEOB. Then turn right and enter the EEOB. Take the elevator on the right to the 4th floor, where you'll find room 472.

Please note that this invitation is for you specifically. Please do not forward it to anyone.

Thank you, and see you soon!

Paul Teller
Special Assistant to the President for Legislative Affairs
The White House
Ex. 6

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 10/4/2017 2:21:20 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Inside front door of EPA

Love it.

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, October 3, 2017 8:54 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Inside front door of EPA

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 10/6/2017 5:10:02 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Tomorrow

That works on our end. Thanks, Tate!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, October 06, 2017 12:09 PM
To: Catherine Cromer
Subject: Re: Tomorrow

You bet. This will be at the Capitol- like what we were going to do last time- correct?

On Oct 6, 2017, at 1:06 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Great! Once you all decide what you'd like the agenda/timing to be, will you let me know?
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, October 06, 2017 12:03 PM
> **To:** Catherine Cromer
> **Subject:** Re: Tomorrow
>
> That would work! Can do
>
> On Oct 6, 2017, at 12:53 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
>> Hey, Tate! We can make 2:00 p.m. CT work on the 23rd for the visit.
>>
>> Governor Haslam asked that 15-20 minutes be set aside so he could visit with Administrator Pruitt; could that be working into the agenda you all have in mind?
>>
>> Thanks!!
>>
>> ---
>>
>> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> **Sent:** Monday, October 02, 2017 4:00 PM
>> **To:** Catherine Cromer
>> **Subject:** RE: Tomorrow
>>
>> 10-4 thank you! Sorry!
>>
>> ---
>>
>> **From:** Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
>> **Sent:** Monday, October 2, 2017 4:53 PM
>> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Subject:** RE: Tomorrow
>>
>> Hey, Tate! I did get your last email and sorry for the delay in writing you back. We're still trying to determine what the governor's schedule looks like that afternoon, so as soon as I know, I'll be back in touch.

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, October 02, 2017 12:48 PM
To: Catherine Cromer
Subject: RE: Tomorrow

Hey there! Wanted to double check and see if 2 PM would at all be doable that day? Sorry for all the changes. I just wanted sure if my previous email made it your way. Hope you had a wonderful weekend!

Tate

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Monday, September 25, 2017 4:13 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Tomorrow

Sure; not a problem!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, September 25, 2017 3:11 PM
To: Catherine Cromer
Subject: RE: Tomorrow

Hey there! Can I give you an update by the end of the week?

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Monday, September 25, 2017 4:07 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Tomorrow

Hey, Tate! I wanted to check back in with you – have yall decided what your timing may look like on the 23rd?

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 07, 2017 2:25 PM
To: Catherine Cromer
Subject: RE: Tomorrow

Great!

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Thursday, September 7, 2017 3:18 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Tomorrow

Perfect; i'll call you then!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 07, 2017 2:17 PM
To: Catherine Cromer
Subject: Re: Tomorrow

Yep!

On Sep 7, 2017, at 2:49 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Tomorrow at 3 ET? I can do that!
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Thursday, September 07, 2017 1:43 PM
> **To:** Catherine Cromer
> **Subject:** Tomorrow
>
> Any chance we can pivot to 3 PM eastern?
>
> Elizabeth Tate Bennett
> Associate Administrator for Public Engagement
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 9/8/2017 2:38:08 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Allan, Kristin [kristin.allan@nebraska.gov]
Subject: RE: Reschedule date

Tate-

Just tried to give you a call. Give me a call whenever it works for you today. I am headed to Japan on a trade mission tomorrow morning and won't return until the 16th. I can still receive calls and texts, I just may be slowed to respond.

Thank you

Matt

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 7, 2017 2:58 PM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Cc: Allan, Kristin <kristin.allan@nebraska.gov>
Subject: RE: Reschedule date

Awesome! Let's touch base soon when you get a moment. We are confirmed on our end.

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Wednesday, September 6, 2017 1:18 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Allan, Kristin <kristin.allan@nebraska.gov>
Subject: RE: Reschedule date

Tate-

Oct 20th should work. The Governor has an event that evening but is open during the day.

Matt

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, September 6, 2017 10:55 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Reschedule date

Thoughts on Friday, October 20?

Elizabeth Tate Bennett
Associate Administrator for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Ryan, Jen [jen.ryan@georgia.gov]
Sent: 8/30/2017 6:00:34 PM
To: Tas Smith [tasmith@gfb.org]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Deal outlines state response to Hurricane Harvey
Attachments: image002.png

You're welcome. Let me know if you'd still like/need to chat.

Best,
Jen Talaber Ryan
Deputy Chief of Staff for Communications
Office of Gov. Nathan Deal
@GovernorDeal
@Jtalryan

From: Tas Smith <tasmith@gfb.org>
Date: Wednesday, August 30, 2017 at 1:59 PM
To: GOV-Press <jen.ryan@georgia.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: RE: Deal outlines state response to Hurricane Harvey

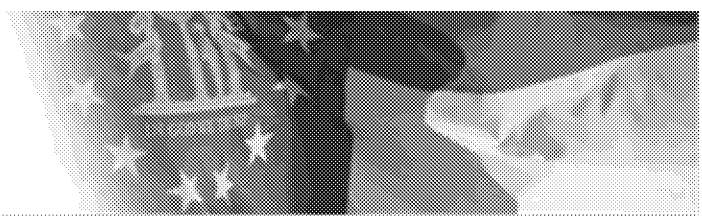
Thank you!

From: Ryan, Jen [mailto:jen.ryan@georgia.gov]
Sent: Wednesday, August 30, 2017 1:42 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Tas Smith <tasmith@gfb.org>
Subject: FW: Deal outlines state response to Hurricane Harvey

Best,
Jen Talaber Ryan
Deputy Chief of Staff for Communications
Office of Gov. Nathan Deal
@GovernorDeal
@Jtalryan

From: GOV-Press <press@georgia.gov>
Date: Wednesday, August 30, 2017 at 1:41 PM
To: GOV-Press <press@georgia.gov>
Subject: Deal outlines state response to Hurricane Harvey

Governor Nathan Deal
Office of the Governor



For immediate release
Aug. 30, 2017

Office of Communications
Ex. 6

Deal outlines state response to Hurricane Harvey

Gov. Nathan Deal today outlined Georgia's efforts to assist in Hurricane Harvey rescue and recovery operations in Texas. He also announced steps taken to help safeguard Georgians' fuel supply during the aftermath of the hurricane.

"On behalf of all Georgians, Sandra and I continue to pray for the victims of Hurricane Harvey as they continue to suffer," said Gov. Deal. "The devastating impact of this storm has yet to be fully realized, and we offer our thoughts and prayers to the families and communities affected by this disaster. As response and recovery efforts continue, the bravery and selflessness demonstrated by first responders and everyday citizens is nothing short of heroic. The kindness and courage of others acts shines light during the darkness faced by so many, and is a beacon of hope for all of us.

"To those impacted by Hurricane Harvey, you are not alone. Georgia and the rest of the nation are with you. We have boots on the ground in Texas and teams working here to help coordinate response efforts and provide support. This multiagency initiative includes the Georgia Emergency Management and Homeland Security Agency (GEMA/HS), the Georgia Department of Defense (GA DoD) and the Georgia Department of Natural Resources (DNR). I stand ready to offer any further assistance or resources that may be needed as recovery operations continue.

"Finally, I've taken steps to mitigate the effects that Hurricane Harvey and its aftermath will have on Georgia's fuel supply. Earlier this week I applied for, and received, a fuel waiver from the Environmental Protection Agency (EPA). This waiver will help ensure our fuel supply remains uninterrupted. Further, I've issued an executive order waiving rules and regulations for truck drivers transporting motor fuel in Georgia, as well as for those carrying hurricane relief supplies. While recovery efforts continue and until normal operations resume, I urge the public to maintain regular consumption levels and travel schedules."

The multi-pronged response includes the following:

Fuel and trucking

- On Aug. 29, the EPA issued an emergency waiver through Sept. 15 for the metro Atlanta area. Read more here: Fuel Waiver Concerning Georgia.
- On Aug. 30, Gov. Deal issued an executive order waiving trucking requirements for the transport of motor fuel and hurricane supplies. Read more here.
- For additional information on EPA fuel waivers, contact Kevin Chambers with the Georgia Environmental Protection Division at Kevin.Chambers@dnr.ga.gov or Ex. 6

GEMA/HS

- GEMA/HS is coordinating with state and local partners and has offered Texas and the Federal Emergency Management Agency (FEMA) the support of 75 Georgia personnel to assist in search and rescue efforts. The state is poised to deploy 50 members of the Georgia Search and Rescue task force and 25 members of Georgia Department of Natural Resources swift water teams.
- GEMA/HS is also working with the Georgia Voluntary Organizations Assisting in Disaster (VOAD) and the Red Cross on the coordination of volunteers and donations. Individuals and organizations are asked to donate or volunteer through the National VOAD site at www.nvoad.org. Large organizations with the ability to organize and transport donations to Texas may also contact GEMA/HS and the Georgia VOAD at volunteers@gema.ga.gov.
- For additional information on GEMA/HS relief efforts, please contact Catherine Howden at catherine.howden@gema.ga.gov or Ex. 6

GA DoD

- GA DoD's team of domestic operations professionals has been in constant contact with the National Guard Bureau, FEMA, GEMA/HS, other supporting states and the State of Texas to assess the needs in Texas and be prepared to readily provide resources as needed and authorized by Gov. Deal and GEMA/HS.
- At Gov. Deal's authorization, the Savannah-based 165th Airlift Wing of the Georgia Air National Guard yesterday deployed a C-130 H3 cargo aircraft and 15 personnel to aid in the emergency response efforts for the destruction caused by Hurricane Harvey. The crew first flew into Scott Air Force Base in Illinois to pick up

disaster recovery pallets before mobilizing to provide relief support to Texas and the Texas National Guard. There have been no new requests for additional personnel or equipment.

- For additional information on GA DoD relief efforts, please contact Desiree Bamba at desiree.b.bamba.nfg@mail.milo Ex. 6

Jen Talaber Ryan
jen.ryan@georgia.gov

Alyssa Botts
abotts@georgia.gov

Confidentiality Notice: This electronic message and its contents are privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this electronic message in error, please delete and destroy this message and all copies from your system and notify the sender immediately by telephone or by email.

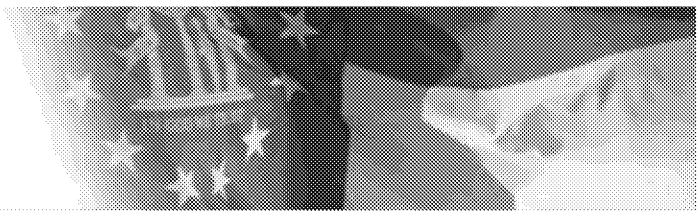
Message

From: Ryan, Jen [jen.ryan@georgia.gov]
Sent: 8/30/2017 5:42:23 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Tas Smith [tasmith@gfb.org]
Subject: FW: Deal outlines state response to Hurricane Harvey
Attachments: image001.png

Best,
Jen Talaber Ryan
Deputy Chief of Staff for Communications
Office of Gov. Nathan Deal
@GovernorDeal
@Jtalryan

From: GOV-Press <press@georgia.gov>
Date: Wednesday, August 30, 2017 at 1:41 PM
To: GOV-Press <press@georgia.gov>
Subject: Deal outlines state response to Hurricane Harvey

Governor Nathan Deal
Office of the Governor



For immediate release
Aug. 30, 2017

Office of Communications

Ex. 6

Deal outlines state response to Hurricane Harvey

Gov. Nathan Deal today outlined Georgia's efforts to assist in Hurricane Harvey rescue and recovery operations in Texas. He also announced steps taken to help safeguard Georgians' fuel supply during the aftermath of the hurricane.

"On behalf of all Georgians, Sandra and I continue to pray for the victims of Hurricane Harvey as they continue to suffer," said Gov. Deal. "The devastating impact of this storm has yet to be fully realized, and we offer our thoughts and prayers to the families and communities affected by this disaster. As response and recovery efforts continue, the bravery and selflessness demonstrated by first responders and everyday citizens is nothing short of heroic. The kindness and courage of others acts shines light during the darkness faced by so many, and is a beacon of hope for all of us.

"To those impacted by Hurricane Harvey, you are not alone. Georgia and the rest of the nation are with you. We have boots on the ground in Texas and teams working here to help coordinate response efforts and provide support. This multiagency initiative includes the Georgia Emergency Management and Homeland Security Agency (GEMA/HS), the Georgia Department of Defense (GA DoD) and the Georgia Department of Natural Resources (DNR). I stand ready to offer any further assistance or resources that may be needed as recovery operations continue.

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While recovery efforts continue and until normal operations resume, I urge the public to maintain regular consumption levels and travel schedules."

The multi-pronged response includes the following:

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- <!--[if !supportLists]--><!--[endif]-->On Aug. 29, the EPA issued an emergency waiver through Sept. 15 for the metro Atlanta area. Read more here: Fuel Waiver Concerning Georgia.
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Jen Talaber Ryan
jen.ryan@georgia.gov

Alyssa Botts
abotts@georgia.gov

Message

From: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Sent: 9/8/2017 11:13:42 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: DTE

Now or Saturday at 11:30am
Ex. 6

Sent from my iPhone

> On Sep 8, 2017, at 7:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> Can work around your schedule. Name the day/time.
>
>> On Sep 8, 2017, at 6:57 PM, Mcbride, Bill (GOV) <mcbrideb@michigan.gov> wrote:
>>
>> Sure. When is good for you?
>>
>> Sent from my iPhone
>>
>>> On Sep 8, 2017, at 6:33 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>
>>> Hey Bill! Do you have time for a quick call this weekend or Monday?

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 9/5/2017 9:53:24 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
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Sounds perfect! talk to you then ☺

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
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How about Ex. 6 ? That is my work cell. If for some reason that doesn't work, my desk is Ex. 6 Thank you, as always, for being so flexible, Catherine!

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Circling back. Could Oct. 23 work to reschedule?

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> > >
> > > > ***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****
> > > >
> > > > Can I try you in the morning? Today got away from me! If so, what time?

Sent from my iPhone

On Aug 1, 2017, at 5:29 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?
>
> Thank you,
> Catherine
>
> <image001.png>
>
> **Catherine Cromer**|Scheduler to the Governor
> State Capitol, Ground Floor
> 600 Charlotte Ave., Nashville, TN 37243
> Ex. 6
> catherine.cromer@tn.gov
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Monday, July 31, 2017 8:42 AM
> **To:** Brianna Lundeen
> **Cc:** Catherine Cromer
> **Subject:** RE: Meeting August 7
>
> Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?
>
> ---
>
> **From:** Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
> **Sent:** Monday, July 31, 2017 8:53 AM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Catherine Cromer <Catherine.Cromer@tn.gov>

Subject: Re: Meeting August 7

Hi Tate,

I am no longer in the scheduling office but I am copying Catherine here. She will be in touch soon to set this up.

Thank you,
Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243

Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August

7? This would be on WOTUS and as part of our state action tour. Give me a call for more details.

Ex. 6

Sent from my iPhone

Message

From: Erica Gaddis [egaddis@utah.gov]
Sent: 9/20/2017 6:43:05 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Pruitt Itinerary
Attachments: ATT00001.htm; Itinerary_PruittTour_wPhotos.pdf

Sent from my iPhone

Begin forwarded message:

> **From:** Jennifer Pruitt <jenpruitt@utah.gov>
> **Date:** September 20, 2017 at 12:37:44 PM MDT
> **To:** Erica Gaddis <egaddis@utah.gov>
> **Subject: Re: Need a doc**
>
> Here you go. I think this is the one.
>
> On Wed, Sep 20, 2017 at 12:32 PM, Erica Gaddis <egaddis@utah.gov> wrote:
> > Is there a PDf version w a later date?
> >
> > Sent from my iPhone
> >
> > On Sep 20, 2017, at 12:14 PM, Jennifer Pruitt <jenpruitt@utah.gov> wrote:
> >
> > > Erica,
> > >
> > > Attached is the itinerary.
> > >
> > > Let me know if you need anything else.
> > >
> > > Thanks,
> > >
> > > Jen
> > >
> > > On Wed, Sep 20, 2017 at 11:01 AM, Erica Gaddis <egaddis@utah.gov> wrote:
> > > > Can you find the Pruitt visit agenda? It is in Walt's folder under Wp/EPA/WOTUS/Pruittvisit
> > > >
> > > > Sent from my iPhone
> > >
> > > --
> > > **Jen Pruitt | Support Staff Supervisor**
> > > Utah Division of Water Quality
> > > Phone: Ex. 6

Address: 195 N 1950 W Salt Lake City, UT 84116

Website | Blog | Facebook | LinkedIn

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

<Draft Itinerary_PruittTour.docx>

--

Jen Pruitt | Support Staff Supervisor
Utah Division of Water Quality
Phone: Ex. 6
Address: 195 N 1950 W Salt Lake City, UT 84116

Website | Blog | Facebook | LinkedIn

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
WATER QUALITY

Waters of the US Tour, Summit County, UT

July 18, 2017
8:30 – 10:45 am
Itinerary

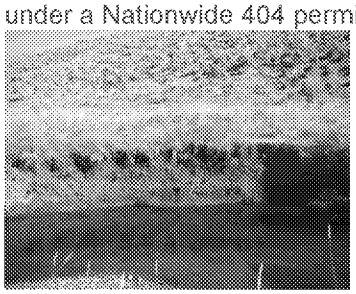
8:30 am **Depart Utah State Capitol Parking Lot**

9:20 am **Arrive Bitner Ranch (Site 1)**

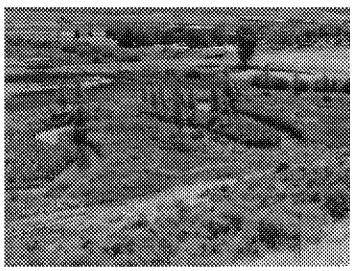
Property history and current ranching operations
Bitner Ranch is one of the oldest ranches in Summit County, founded by Milton O. Bitner in the late 1800s. The original ranch included 22,000 acres and the Kimball Hotel, which served as the first stop east of Salt Lake City on the Lincoln Highway. Brian K. Bitner currently runs a ranching operation on the property that includes 7,000 sheep, 25 horses. The family also works the land for alfalfa. The family has deep roots to the land and has used the property to teach generations of kids how to work.

East Canyon Creek
East Canyon Creek, part of the Weber River system, is a jurisdictional water impaired for low dissolved oxygen. Downstream of Bitner Ranch, the East Canyon Water Reclamation Facility treats municipal wastewater to some of the highest levels in Utah. Its discharge to East Canyon Creek represents the majority of the flow in the creek during the summer and was instrumental in the recovery of East Canyon Reservoir.

Riparian restoration project on East Canyon Creek
In 2010, a stream restoration project was installed on Bitner Ranch and adjoining property to reduce stream bank erosion and improve riparian habitat and water quality in East Canyon Creek. The project included fencing, plantings, stream bank stabilization, hardened crossings and watering areas for livestock. The project was funded with a combination of federal and state funds and permitted under a Nationwide 404 permit.


2009 – Banks before project

2010 - During construction


2017 – After project

Open pond and meadow wetland tributary to East Canyon Creek (Site 2)
A jurisdictional wetland connected through a small tributary to East Canyon Creek.

9:40 am **Depart Bitner Ranch**

Travel past Swaner Nature Preserve (Site 3)
The Swaner Preserve is a 1,200 acre nature preserve that was created through private donations of

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00064165-00001

land from the Swaner family and other land owners in the area. In 2001, a Federal Wetland Reserve Program easement was established to protect 533 acres of critical wetland habitat on the east side of the preserve.

Silver Creek tributary to Weber River (Site 4)
Silver Creek originates with water flowing out of old mine tunnels in Park City. The Silver Creek Water Reclamation Facility is permitted to discharge treated municipal wastewater to a small tributary to Silver Creek, tributary to Weber River. The facility is currently being upgraded to address issues of growth and to address water quality concerns downstream. Weber River is impounded in several reservoirs that provide irrigation water, drinking water, and recreational and fishing opportunities before flowing into the Great Salt Lake.

Silver Creek Village Development (Site 5)
Aquatic resources on this property were assessed by the USACE to determine whether a 404 permit would be needed as part of a planned subdivision.

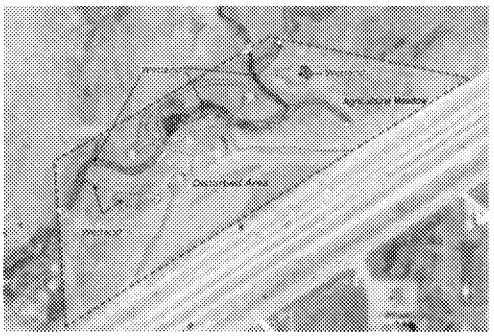
Wetland A: USACE determined that Wetland A was not jurisdictional under the Rapanos Guidelines due to a lack of significant nexus with the downstream Traditional Navigable Water. Under the 2015 Clean Water Rule, this wetland would again require a significant nexus analysis because it is within 4,000 feet of the ordinary high water mark of Silver Creek and would likely remain a non-jurisdictional wetland.

Wetland B: The USACE determined that Wetland B was jurisdictional through a significant nexus analysis due to a surface hydrologic connection. Under the 2015 Clean Water Rule, this wetland would again require a significant nexus analysis because it is within 4,000 feet of the ordinary high water mark of Silver Creek and would remain a jurisdictional wetland.

Drainage C: This ephemeral stream was previously determined to be jurisdictional through a significant nexus analysis due to a surface hydrologic connection. It is unclear how this drainage would be evaluated under the 2015 Clean Water Rule because its surface hydrologic connection with Silver Creek lacks a continuous ordinary high water mark and bed and bank.

10:00 am **Arrive at Ditch on Bitner Ranch property (Site 6)**
This ditch intercepts water that otherwise flowed to a tributary to East Canyon Creek. Because the ditch delivers perennial flow to East Canyon Creek, it would likely be considered jurisdictional under current rules and the 2015 Clean Water Rule. However, the USACE has not made a formal determination on the status of this ditch.

10:10 am **Arrive at Wetland Mitigation Site (Site 7)**
Wetland and stream restoration at this site provided mitigation for the removal of wetlands in Echo Canyon as part of an expansion of I-80. The project included the removal of two stream crossings and associated fill as well as the restoration of wetland acreage and creation of expanded meanders in the stream.


Pre-restoration site plan

Post-mitigation photo

10:15 am **Depart for Utah State Capitol Building**

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 9/6/2017 6:51:00 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Meeting August 7

Tate, I am so sorry I wasn't able to call you earlier – the governor's schedule has been moving constantly today and it's been a bit of a fire drill!

Would you be free to talk at 3:00 or 3:15 p.m. CT?

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To: Catherine Cromer
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Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243

Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday,

August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details.

Ex. 6

Sent from my iPhone

Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 6/30/2018 11:44:34 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

Thank you, Tate. Hope you are well.

Sent with BlackBerry Work
(www.blackberry.com)

From: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Date: Friday, Jun 29, 2018, 4:20 PM
To: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Cc: Gordon, Stephen <gordon.stephen@epa.gov<mailto:gordon.stephen@epa.gov>>
Subject: EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epa.gov_newsroom&d=DwMGaQ&c=vYl7KJMDeuM7F-Nqf_hfailBifPmyspo7hrJGlNN7nU&r=cQJhbIPCbBqdOrK8mjUIpjpO-kHFeKER4nyoG68WNOw&m=dlJkXuMNDFwK2O3xCIayO82lQrldD1VcY3NRgvmDGts&s=740Oh00qDLXbkY7kk0fqRgaDMAlNVeWIPhJgiykSVII&e=>

CONTACT: press@epa.gov<https://urldefense.proofpoint.com/v2/url?u=https-3A__mail.yahoo.com_neo_b_compose-3Fto-3Dpress-40epa.gov&d=DwMGaQ&c=vYl7KJMDeuM7F-Nqf_hfailBifPmyspo7hrJGlNN7nU&r=cQJhbIPCbBqdOrK8mjUIpjpO-kHFeKER4nyoG68WNOw&m=dlJkXuMNDFwK2O3xCIayO82lQrldD1VcY3NRgvmDGts&s=WmIL1v2gjO8AaCRVEMLlKONlfPOiP7zOTXSqcdCmOMw&e=>

EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

WASHINGTON (June 29, 2018) – The U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) are issuing a supplemental proposal to the July 2017 proposed action to repeal the 2015 definition of "Waters of the United States" (WOTUS). Today's proposal specifically requests comment on the legal basis of the 2015 WOTUS rule, which the agencies believe has led to uncertainty and confusion across the country.

"By issuing today's supplemental proposal, we are responding to public feedback, expanding opportunities for comment, and providing clarity and transparency in the rulemaking process," said EPA Administrator Scott Pruitt."We are making it clear that we are proposing to permanently and completely repeal the 2015 WOTUS rule and keep the pre-2015 regulatory framework in place as we work on a new, improved WOTUS definition."

During last summer's public comment period, the EPA and the Army heard from hundreds of thousands of stakeholders about the proposal to repeal the 2015 definition of WOTUS. After reviewing this input, the EPA and the Army are issuing a supplemental notice of proposed rulemaking to clarify that the agencies are proposing to permanently repeal the 2015 rule in its entirety. As part of the initial proposal, the EPA and the Army indicated their intent to recodify the pre-2015 regulations—a longstanding regulatory framework that is currently being administered by the agencies—to keep them in place until the agencies finalize a new definition of WOTUS.

The agencies are also issuing the supplemental notice of proposed rulemaking to give the public an opportunity to comment on additional considerations that support the agencies' proposed repeal, some of which the agencies did not discuss in detail in the initial proposal.

"This supplemental proposal reflects our continued commitment to common sense in the rulemaking process," said R.D. James, Assistant Secretary of the Army for Civil Works.

The agencies are continuing to review the comments received on the July 2017 proposal and will be accepting public comment on the supplemental proposal for 30 days after it is published in the Federal Register. Commenters do not need to resubmit comments already provided to the agencies in response to the July 2017 proposal.

For more information on both actions:www.epa.gov/wotus-rule
<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.epa.gov_wotus-2Drule&d=DwMGaQ&c=vYl7KJMDeuM7F-Nqf_hfailBifPmyspo7hrJGlNN7nU&r=cQJhbIPCbBqdOrK8mjUIpjpO-kHFeKER4nyoG68WNOw&m=dlJkXuMNDFwK2O3xCIayO82lQrldD1VcY3NRgvmDGts&s=_YtCzMX7gC0DXcbtAQmIdma293RZaQ8osZKlajP1zt4&e=>

Background

The EPA and the Army are working through a two-step process to consider revisions to the definition of "waters of the United States," consistent with the February 2017 Presidential Executive Order 13778. The Executive Order states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the states under the Constitution.

https://www.epa.gov/wotus-rule<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epa.gov_wotus-2Drule&d=DwMGaQ&c=vYl7KJMDeuM7F-Nqf_hfailBifPmyspo7hrJGlNN7nU&r=cQJhbIPCbBqdOrK8mjUIpjpO-kHFeKER4nyoG68WNOw&m=dlJkXuMNDFwK2O3xCIayO82lQrldD1VcY3NRgvmDGts&s=3hhmnB8H-BykEV-hr6GlEdw4KwIs_cHRzSFDkFC2hSE&e=>

Message

From: Jenny Potter [jmpotter@utah.gov]
Sent: 9/20/2017 6:07:53 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Fwd: Attachment?
Attachments: InviteList.pdf

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
Executive Directors Office
Phone: Ex. 6
Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

---------- Forwarded message ----------
From: **Jenny Potter** <jmpotter@utah.gov>
Date: Mon, Aug 28, 2017 at 3:09 PM
Subject: Re: Attachment?
To: Kevin Bogardus <kbogardus@eenews.net>

Sure, sorry I missed that.

Here it is.

Jen

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
Executive Directors Office
Phone: Ex. 6
Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

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On Mon, Aug 28, 2017 at 3:05 PM, Kevin Bogardus <kbogardus@eenews.net> wrote:

> Jenny,
>
> Hi, it's Kevin Bogardus with E&E News.

Following up on my GRAMA request, could you please send me the attached document "InviteList.pdf" that was mentioned in "Alan Email Draft Invite List" (please see attached)?

Please let me know. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

Ex. 6

Follow me @KevinBogardus

E&E NEWS

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State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

Below is a draft summary of possible invitees to a tour and roundtable with EPA Administrator Scott Pruitt on Tuesday July 18, 2017.

Name	Organization	Tour?	Roundtable?
Alan Matheson	Executive Director, UDEQ	X	X
Erica Gaddis	Director, Division of Water Quality, UDEQ	X	X
Todd Bingham	President, Utah Manufacturing Association		X
Brett Boyce	Utah Homebuilders Association		X
Mayor Jack Thomas	Park City Municipal Corporation?	X	
Michael Luers	General Manager, Snyderville Basin Water Reclamation Facility and Water Quality Board Member	X	
Jason Gipson	USACE	X	X
LuAnn Adams	Commissioner, UDAF	X	X
Scott Ericson	Deputy Commissioner, UDAF	X	X
Jay Olsen	Environmental Specialist, UDAF	X	X
Ron Gibson	President, Farm Bureau	X	X
Randy Parker	Vice President, Farm Bureau	X	X
Chris Ure	Kamas Conservation District Supervisor	X	X
Colby Pace	Summit Conservation District Supervisor	X	X
Steve Osguthorpe	Red Pines Ranch, Sheep Rancher Summit County		X
Wade Bittner	Bittner Ranch, Sheep Rancher, Summit County		X
Brandon Bittner	Bittner Ranch, Sheep Rancher, Summit County		X
Chris Robinson	Summit County Council Chair, CEO of Ensign Ranch		X
Jerrold Richins	Jerrold Richins Ranch, Sheep Rancher Summit County		X

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870
Telephone (801) 536-4300 • Fax (801) 536-4301 • T.D.D. (801) 536-4284
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Message

From: Jenny Potter [jmpotter@utah.gov]
Sent: 9/20/2017 6:07:40 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Fwd: GRAMA Request

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
Executive Directors Office
Phone: Ex. 6
Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

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---------- Forwarded message ----------
From: **Jenny Potter** <jmpotter@utah.gov>
Date: Wed, Aug 23, 2017 at 9:43 AM
Subject: GRAMA Request
To: kbogardus@eenews.net

Good Morning Kevin,

I have your GRAMA request completed, the only items I have redacted are those that are considered protected because they are private email, phone number or addresses, you will see the document is named redacted if anything was redacted on it. They are personal contact information is probably either private (63G-2-302) or protected 63G-2-305) under GRAMA. Please let me know if you have any questions or if you cannot open this for any reason.

Thank you
Jenny

Alan Attachment Email Draft Invite.pdf

Alan Email Administrator Pruitt Round Table Inv...

Alan Email AG Reyes.pdf

Alan Email Draft Invite List.pdf

Alan Email Emails Sent.pdf

Alan Email emails_Redacted.pdf

Alan Email EPA Meeting.pdf

Alan Email EPA Round Table.pdf

Alan Email Field Trip.pdf

Alan Email Governor, EPA Meeting.pdf

Alan Email Heads Up on WOTUS.pdf

Alan Email Help for a WOTUS event.pdf

Alan Email Invitiations to Pruitt Round Table.pdf

Alan Email Let me Know_Redacted.pdf

Alan Email List.pdf

Alan Email Please Invite AG Reyes.pdf

Alan Email Proposed Invitation to Pruitt WOTUS.pdf

Alan Email Representative from Congressional De...

Alan Email Scott Pruitt Roundtable.pdf

Alan Email Spreadsheet.pdf

Alan Email Suggestions for Tour and Rountable.pdf

Alan Email Tentative Outine.pdf

Alan Email Tentative.pdf

Alan Email Tour.pdf

Alan Email Updated Agenda.pdf

Alan Email USACE.pdf

Alan Email UT Tomorrow.pdf

Alan Email Utah Leadership Meeting with EPA.pdf

Alan Email Utah Tour Introduction.pdf

Alan Email WOTUS Roundtable invitees.pdf

Alan Email WOTUS Tour with EPA.pdf

Alan Email WOTUS Tour.pdf

Alan Email WOTUS Week.pdf

EPA Meeting Invites_Redacted.pdf

Erica attached document itinerary sent.pdf

Erica Email attached document 1.pdf

Erica Email attached document 2.pdf

Erica Email attached document East Canyon.pdf

Erica Email attached document.pdf

Erica Email Attached Draft Invite list.pdf

Erica Email attached Silver Creek doc.pdf

Erica Email attached WOTUS presentation.pdf

Erica Email Canyons Golf Course.pdf

Erica Email communication between Alan and Eric...

Erica Email Draft Invite List.pdf

Erica Email East Canyon Creek Restoration.pdf

Erica Email Golf Course.pdf

Erica Email itinerary final attachement with do...

Erica Email itinerary final response.pdf

Erica Email Itinerary response.pdf

Erica Email itinerary sent final.pdf

Erica Email Itinerary.pdf

Erica Email Meeting with EPA.pdf

Erica Email NonDOD Source.pdf

Erica Email Possible Tour of Bittner Ranch FWD_...

Erica Email Possible tour of Bittner Ranch_Reda...

Erica Email Silver Creek Junction.pdf

Erica Email Suggestions for Tour and Roundtable...

Erica Email Tentative Outline.pdf

Erica Email WOTUS Draft Presentation.pdf

Erica Email WOTUS Presentation.pdf

Erica Text1.PNG

Erica Text2.PNG

Erica Text3.PNG

Erica Text4.PNG

Erica Text5.PNG

Erica Text6.PNG

Erica Text7.PNG

Erica Text8.PNG

Erica text9.PNG

Erica Text10.PNG

Erica Text.PNG

Erica UDOT mitigation site.pdf

Letter sent to invite guests to EPA Roundtable.pdf

Text Alan 1.pdf

Text Alan M.pdf

Text Alan Phone 2.pdf

Text Alan.pdf

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
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Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

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Message

From: Vaughn, Kari (LARA) [VaughnK3@michigan.gov]
Sent: 9/13/2017 12:11:51 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Requested call with Valerie Brader

No problem!! I will get with his assistant, and find some dates that will work for both of them and let you know.

Kari
Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, September 12, 2017 5:59 PM
To: Vaughn, Kari (LARA) <VaughnK3@michigan.gov>
Subject: RE: Requested call with Valerie Brader

Hi Kari! Thanks again for setting up our call this evening. Much appreciated!

At some point in the coming weeks, my team, Valerie and Tim O'Brien need to all hop on the phone for a follow-up call. Do you mind at some point sending me some days at times that might work for them?

Thanks in advance!

-Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

From: Vaughn, Kari (LARA) [mailto:VaughnK3@michigan.gov]
Sent: Monday, September 11, 2017 11:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Requested call with Valerie Brader

Good Morning:

I understand that you would like to have a quick phone call with Director Brader. Can you tell me how much time you are looking for and what the subject matter would be? That will help me find an appropriate time for the call.

Thank you,

Kari L. Vaughn
Senior Executive Management Assistant to Director Valerie Brader
and Deputy Director Madhu Anderson

Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 8/30/2017 3:48:15 PM
To: Stallard, Lorea A [lorea.stallard@nc.gov]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]; Levine, Carolyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=468b48e304cf4c54a52bb7c83a54fd21-CLevin02]; Cory, Preston [Preston.Cory@mail.house.gov]
Subject: RE: Letter from Gov. Cooper to Administrator Pruitt

Many thanks, Lorea. We will get this processed.

From: Stallard, Lorea A [mailto:lorea.stallard@nc.gov]
Sent: Wednesday, August 30, 2017 11:43 AM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Letter from Gov. Cooper to Administrator Pruitt

Hello Team EPA OCIR,

I hope you are all doing well and enjoying the last week of the recess. Please see the attached letter that was sent to the Administrator's office this morning.

Please let me know if you have any questions.

Best,

Lorea

Lorea Stallard
Deputy Director
North Carolina Washington Office
444 N. Capitol Street, NW Suite 332
Washington, DC 20001
Phone: Ex. 6

Office of the Governor
governor.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Message

From: Vaughn, Kari (LARA) [VaughnK3@michigan.gov]
Sent: 9/12/2017 1:51:47 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Requested call with Valerie Brader

Looks like we are all set. Let me know if you need anything else.

Thanks!!

Kari
Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

From: Vaughn, Kari (LARA)
Sent: Tuesday, September 12, 2017 8:48 AM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Requested call with Valerie Brader

Thank you for the information. Valerie is not available at 11:00 a.m., but could speak with you between 1:00 – 2:30 p.m. or at 5:30 p.m. for a short call.

If neither of these times work for you, she is available between 8 – 9:00 a.m. tomorrow morning.

Please let me know what will work for you, and I'll get the time entered on her calendar, and include contact information.

Thank you,

Kari
Michigan Agency for Energy
Office Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, September 11, 2017 5:47 PM
To: Vaughn, Kari (LARA) <VaughnK3@michigan.gov>
Subject: Re: Requested call with Valerie Brader

11 AM Eastern and it's on CTE utility issue.

On Sep 11, 2017, at 11:00 AM, Vaughn, Kari (LARA) <VaughnK3@michigan.gov> wrote:

> Good Morning:

I understand that you would like to have a quick phone call with Director Brader. Can you tell me how much time you are looking for and what the subject matter would be? That will help me find an appropriate time for the call.

Thank you,

Kari L. Vaughn
Senior Executive Management Assistant to Director Valerie Brader
and Deputy Director Madhu Anderson
Michigan Agency for Energy
Office: Ex. 6
Cell: Ex. 6
Vaughnk3@michigan.gov
<image001.jpg>

Message

From: Tompach, Matthew C - DATCP [Matthew.Tompach@wisconsin.gov]
Sent: 8/21/2017 1:57:51 PM
To: Blake.Rollins@osec.usda.gov; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Cindy Barger [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3faffd36]
CC: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]; Smith, Heather K - GOV [Heather.Smith@wisconsin.gov]; Moroney, Matt S - GOV [Matt.Moroney@wisconsin.gov]; Anderson, Bethany - GOV [Bethany.Anderson@wisconsin.gov]; Bradtke, Evan S - GOV [EvanS.Bradtke@wisconsin.gov]
Subject: federal wetland delineations and regulations
Attachments: wetlands 08.21.17.pdf

Attached please find a letter from Interim DATCP Secretary Jeff Lyon relating to wetland delineations and regulations for federal and state wetland and waterway determinations and permits.

Matthew Tompach
Administrative Policy Advisor – Office of the Secretary
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison, WI 53718
Ex. 6
Matthew.Tompach@Wisconsin.gov

Please complete this brief survey to help us improve our customer service. Thank you for your feedback!

State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

August 21, 2017

Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Leonard Jordan, Acting Chief
USDA NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-S
Washington, DC 20250

Lieutenant General Todd T. Semonite
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Re: Wetland Delineations and Regulations for Federal and State Wetland and Waterway Determinations and Permits

Dear Mr. Pruitt, Mr. Jordan, and Lt. Gen. Semonite:

On behalf of the State of Wisconsin and the Department of Agriculture, Trade and Consumer Protection, I'm writing to request that federal agencies with compliance programs related to wetlands and waterways, including the Environmental Protection Agency ("EPA"), Natural Resources Conservation Service ("NRCS") and the Army Corps of Engineers, work together with the State of Wisconsin to eliminate overlapping and confusing federal wetlands regulations.

These three federal agencies have different standards, definitions, and regulatory practices related to wetlands. In addition, a wetland determination made by one agency is not binding on the other, because each agency has been granted wetland jurisdiction under three separate federal acts: EPA gets wetland authority from the 1972 federal Water Pollution Control Act ("Clean Water Act"); the Army Corps of Engineers has wetland regulatory authority stemming from Section 404 of the Clean Water Act; and NRCS gets its authority from the National Food Security Act of 1985 and subsequent Farm Bills.

We believe state and federal wetland programs should be consistent and duplicative requirements be eliminated. It is critically important to land owners that state determinations and permit decisions to be honored by the federal government. Specifically:

1. The Department requests that the EPA, NRCS, and Army Corps of Engineers be directed to formally recognize wetland and waterway decisions made by the State, and that those federal agencies stop requiring additional determinations or processes for landowners.

2. We request that farmers be able to maintain and restore drainage systems without triggering violations of overlapping federal wetland regulations. We also request that farmers be permitted to restore wetlands using commonly accessible farm equipment, and without losing Farm Service Agency program eligibility.

Action on this issue supports the administration's efforts to re-establish the proper balance of power between state and federal governments. For too long, the federal government has imposed its will on agricultural producers, causing excessive time and costs dealing with the myriad regulations from federal and state agencies. As a result, land owners often face insurmountable obstacles, including permit denial, for installation of conservation practices and improvements to existing drainage and erosion control. These added costs and delays create a systemic effect on the economy, including driving up the cost of food.

The State of Wisconsin and Department of Agriculture, Trade and Consumer Protection appreciates your consideration and attention to these issues and looks forward to working with all of you on solutions.

Sincerely,

Jeff Lyon
Interim Secretary

Cc: Gov. Scott Walker
Wisconsin Congressional Delegation

Message

From: Stallard, Lorea A [lorea.stallard@nc.gov]
Sent: 8/30/2017 3:42:58 PM
To: Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Letter from Gov. Cooper to Administrator Pruitt
Attachments: img-830100744-0001.pdf

Hello Team EPA OCIR,

I hope you are all doing well and enjoying the last week of the recess. Please see the attached letter that was sent to the Administrator's office this morning.

Please let me know if you have any questions.

Best,

Lorea

Lorea Stallard
Deputy Director
North Carolina Washington Office
444 N. Capitol Street, NW Suite 332
Washington, DC 20001
Phone: Ex. 6

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Office of the Governor
State of North Carolina

Roy Cooper
Governor

20301 Mail Service Center
Raleigh, N.C. 27699-0301

August 30, 2017

The Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

As you are aware, the aftereffects of Hurricane Harvey pose potentially crippling effects not only to the regions in its path but also the economy of the entire Southeastern United States. As oil refiners and pipelines are paused or even shut down due to flooding, the operation of oil and gasoline refineries and flow of products to states in the region is imperiled.

To alleviate the pressure on North Carolina's and the region's supply and to optimize access to gasoline and make it readily available, I am writing to request that you issue two waivers for our state and region.

First, we ask EPA to issue a regional waiver of the Reid Vapor Pressure (RVP) regulations, of 40 C.F.R. 80.27(a)(2) that requires 9.0 pounds per square inch (psi) RVP gasoline during the summer fuel season. This waiver would enable industry to supply gasoline with a psi of 11.5# rather than the 9.0# psi gasoline that is required by EPA in most areas of the southeastern United States. In North Carolina, this requirement makes its usual seasonal adjustment on September 16th, so this request covers the period from today until that date.

Second, we ask EPA to issue a waiver of Reformulated Gasoline regulations so that Conventional Blendstocks can be co-mingled with Reformulated Blendstocks in states where RFG is required. This waiver of the requirement of 40 C.F.R. 80.78(a)(7) would allow for more types of fuels to be imported into the region, improving the ability of the state to receive shipments from a diverse set of suppliers.

This request meets the waiver requirements of Clean Air Act section 211(c)(3)(C)(ii) as an extreme and unusual fuel supply circumstance exists and the expected fuel supply interruptions are the result of a natural disaster that could not reasonably have been foreseen or prevented and not the result of the lack of prudent planning. The granting of this waiver is in the public interest as an adequate supply of fuels is an important concern to the general public.

Location: The State Capitol Building, Raleigh, N. C. 27602
Phone: 919-814-2100

Commissioner of Agriculture Steve Troxler has authorized a state-level waiver regarding this issue for North Carolina and co-signs this request to you.

Thank you for your assistance in this matter of great importance to our state and region. Please do not hesitate to contact us with any questions.

Sincerely,

Roy Cooper
Governor

Steven W. Troxler
Commissioner of Agriculture

cc: Trey Glenn, USEPA Region IV Administrator
Sarah Dunham, USEPA Acting Assistant Administrator for OAR
Larry Starfield, USEPA Acting Assistant Administrator for OECA

Message

From: Kathy Whitehead [kwhitehead@utah.gov]
Sent: 8/16/2017 10:22:35 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Tiffeni Wall [tiffeniwall@utah.gov]; Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: Re: Invitation for Washington Nationals Game - 9/28/17

Thanks so much, Tate. If you can let us know by week's end, that would be great. {"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}

Best,
Kathy

Kathy Whitehead
Assistant to the Chief of Staff
Office of the Governor

350 North State Street, Suite 200
Salt Lake City, UT 84114
Ex. 6
kwhitehead@utah.gov

On Wed, Aug 16, 2017 at 3:24 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
We will get back to you by COB tomorrow. Thanks for your patience.

Sent from my iPhone

On Aug 16, 2017, at 2:04 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey Kathy! Checking now- standby!

Sent from my iPhone

On Aug 16, 2017, at 12:13 PM, Kathy Whitehead <kwhitehead@utah.gov> wrote:

Good morning, Tate,

Thanks so much for taking my call this morning, particularly since you are away from the office. Governor Herbert is delighted that Administrator Pruitt may be available to attend the Washington Nationals game with him on Thursday, September 28th. The Washington Nationals will face the Pittsburgh Pirates, and the game begins at 7:05 PM ET.

When possible, please let me know how many extra tickets I may need to order for the administrator's security team, and if the ticket/s need to be directly adjacent, or simply within close range.

I'll wait for your confirmation that this evening will work for Administrator Pruitt (barring any unforeseen, last-minute changes), as well as guidance on the number of tickets required. I have also copied the governor's scheduler, Tiffeni Wall, on this email.

Hope you're enjoying a wonderful Wednesday.

Best,
Kathy

Kathy Whitehead
Assistant to the Chief of Staff
Office of the Governor

350 North State Street, Suite 200
Salt Lake City, UT 84114
Ex. 6
kwhitehead@utah.gov
{"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 8/16/2017 8:39:17 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Call request with Governor Walker

It's a number of programs. I'm getting specific programs from the agency to help you gather the right folks.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.
>
> Sent from my iPhone
>
> On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:
>
>> Hi Tate,

I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**

- 9:00am EST
- 9:30am EST
- 10:00am EST

Please let me know if any of these times work or if you need more other information.

Thank you!
Sally

Sally Fox
Federal Relations Assistant
Office of Wisconsin Governor Scott Walker
sally.fox@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 8/21/2017 6:10:57 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Call request with Governor Walker

You should one in your inbox?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 1:56 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

That time works. Is there a chance you can send an outlook invite?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 11:04 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

4:45 pm CST/5:45 pm EST tomorrow?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 11:02 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

He's recovering from surgery and can work around the Governor's schedule.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

There should be a chance. Do you have a few times on those days you can provide and I can check with my scheduling folks?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 10:57 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

Hey! Is there any chance he can do either tomorrow or Tuesday? Also, adding Troy Lyons and Preston Cory now handling the Governor's portfolio who would be staffing the call.

You are losing me but I'm not going far— just down the hall to head the Office of Public Engagement/ Business Outreach.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:35 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just checking on these proposed time changes?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Friday, August 18, 2017 2:44 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Would either of these times work for the same day?

3:15 – 3:30pm CT (4:15pm – 4:30pm ET)
4:40pm – 5:15pm CT (5:40pm – 6:15pm ET)

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 18, 2017 1:38 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call request with Governor Walker

Sorry to keep going back and forth on this, but it sounds like the Administrator is going to be in a place with bad cell service on Friday AM of next week. Are there some other dates/times you might suggest? Or later that day perhaps?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:23 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.

Sent from my iPhone

On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate,
>
> I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**
>
> - 9:00am EST
> - 9:30am EST
> - 10:00am EST
>
> Please let me know if any of these times work or if you need more other information.
>
> Thank you!
> Sally
>
> **Sally Fox**
> *Federal Relations Assistant*
> Office of Wisconsin Governor Scott Walker
> sally.fox@wisconsin.gov
> Direct: Ex. 6
> Hall of States
> 444 N. Capitol Street, NW
> Suite 544
> Washington, D.C. 20001-1581

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/18/2017 12:17:08 PM
To: Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Press questions in NE

Amy-

I'm free for the next hour and then again from 10-11 am CT. My cell phone number is Ex. 6

Matt

-----Original Message-----
From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 17, 2017 5:22 PM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Press questions in NE

Hey Matt - When is a good time to chat tomorrow?

-----Original Message-----
From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Thursday, August 17, 2017 9:08 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Graham, Amy <graham.amy@epa.gov>
Subject: RE: Press questions in NE

Hey Amy. Let me know what I can do to help.

Matt

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 10:15 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Cc: Graham, Amy <graham.amy@epa.gov>
Subject: Press questions in NE

Amy- connecting you with Matt with Gov. Ricketts to answer your press questions in NE.

Sent from my iPhone

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/11/2017 9:14:23 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: potential instate event?

Just tried you back

Sent from my iPhone

On Aug 11, 2017, at 4:04 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Just buzzed you! Call when you can. Ex. 6
>
> Sent from my iPhone
>
> On Aug 11, 2017, at 3:34 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> > We are all good to go on the 24th. You can call my cell: Ex. 6
> >
> > Sent from my iPhone
> >
> > On Aug 11, 2017, at 2:19 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > Still good for the 24th? If so, can I give you or someone on your team a shout?
> > >
> > > Sent from my iPhone
> > >
> > > On Jul 31, 2017, at 4:00 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
> > >
> > > > I am free for a call. My direct number is Ex. 6
> > > >
> > > > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > > > **Sent:** Monday, July 31, 2017 12:12 PM
> > > > **To:** Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> > > > **Subject:** Re: potential instate event?
> > > >
> > > > Perfect. Is there a good time? Can I give you a shout this afternoon with some other follow up questions?
> > > >
> > > > Sent from my iPhone
> > > >
> > > > On Jul 31, 2017, at 8:36 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

It looks like the 24th is going to work best. We're holding the day on the calendar and have reserved the Governor's residence for the day.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Saturday, July 29, 2017 1:50 PM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Re: potential instate event?

Any word on 24/25?

Sent from my iPhone

On Jul 25, 2017, at 2:16 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Finishing up a lunch meeting at RGA. Can I call you in 30 min?
>
> Sent from my iPhone
>
> On Jul 25, 2017, at 11:35 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Tried you earlier.
> >
> > **Ex. 6**
> >
> > Sent from my iPhone
> >
> > On Jul 25, 2017, at 10:06 AM, Miltenberger,

Matt <matt.milteneberger@nebraska.gov> wrote:

Yes. My cell is 402-499-7953

Sent from my iPhone

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Sent from my iPhone

On Jul 25, 2017, at 9:40 AM, Milt enberger,

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Sent from my iPhone

On Jul 25, 2017, at 6:28 AM, Bennett, Tate <

Bennett.Tate@epa.gov> wrote:

The 23rd of August?

Thank fo

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the Governor prefer/would he like a meeting to see Pruitt as w

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Tate-

The Governor is on a trade mission to Canada that week. W

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at 9:10PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi

TeamNE.Anychancewecouldtrytodoaninstate WOTUSvisitinL

incolnatthe Capitaleither August 7or10th? Justwanted toci

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9 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Thanks f

orlettingmeknowsoquickly! Wewillcatchy'allthisfall.

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Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/21/2017 4:28:55 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Attendee List

Not yet. Should have something for you later today or tomorrow.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 11:26 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Attendee List

Do you by chance have a list of names for the coalition meeting?

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/7/2017 10:28:01 PM
To: Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Nowatzki, Mike [mnowatzki@nd.gov]; Witt, Lyndsay M. [lmwitt@nd.gov]; Hanson, JoDee [jodeehanson@nd.gov]; Lee, Jessica (Hoeven) [Jessica_Lee@hoeven.senate.gov]; kris.cramer@mail.house.gov
Subject: Updated line-by-line and round table attendees

Good afternoon,

As of now this is the current agenda and attendee list for Wednesday. If you have any questions please don't hesitate to reach out. Thanks for all you do.

Wed AUG 9: FARGO & GRAND FORKS, NORTH DAKOTA

9:00 AM- 9:25 AM: Live interview with Scott Hennen & Doug Burgum
- Location: 3300 South University Drive, Fargo, ND
- Focus: EPA's Back to Basics Agenda

9:45 AM to 11:00 AM: WOTUS Round Table at NDSU
Location: Meinecke Board Room, NDSU Memorial Union: 1401 Administrative Avenue, Fargo, ND 58102 (https://www.ndsu.edu/mu/about_mu/)

11:00 AM to 11:15 AM: Post Round Table Media Avail
- Location: Outside Meinecke Board Room

11:15 AM to 11:25 AM: Travel to Fargo Airport Jet Center (3801 20th St N, Fargo, ND 58102)

11:25- 11:50 AM: Lunch at Jet Center (Upstairs conference room)
Location: 3801 20th St N, Fargo, ND 58102
Participants: Admin Pruitt, Governor Burgum, Senator Hoeven, Congressman Cramer

11:50 AM-12:20 PM: Flight time to Grand Forks

12:20-12:30 PM Drive to Bateman farm (6526 32nd Ave S, Grand Forks, ND 58201)
-

12:30 PM- 1:15 PM: Farm stop w/ commodity groups
- Location: Beau Bateman farm- 6526 32nd Ave S, Grand Forks, ND 58201
- Invitees: ND Sugar Beet Growers, Corn Growers, Wheat Growers, Soybean Growers, Potato Growers, Agriculture Association

1:15-1:30 PM: Buffer time/ media avail

1:30- 1:45 PM: Drive time to EERC from Bateman farm (15 N 23rd St, Grand Forks, ND 58202)

1:45 PM- 4:00 PM (Tour 1:45-2:45p, Round Table 2:45-4:00p):
Tour & Round Table at University of North Dakota's Energy and Environmental Research Center

- Location: 15 North 23rd Street, Grand Forks, ND
- Focus: Energy Independence and Environmental Stewardship through innovation
- Media Market: Grand Forks, Fargo and Bismarck for last 15 minutes of round table

4:00 PM-4:15 PM: Post Round Table Media Avail

- Location: EERC

Roundtable Attendees:

1	EPA Administrator Scott Pruitt
2	Governor Doug Burgum
3	Senator John Hoeven
4	Congressman Kevin Cramer
5	Heitkamp Rep- Renae Aarfor
6	Ag Department (Either Commissioner Goehring or Deputy Tom Bodine)
7	NDSU President Dean Bresciani
8	Dr. Christina Hargiss- NDSU
9	Garland Erbele- ND Water Commission
10	Pete Hanebutt- North Dakota Farum Bureau
11	Jason McKenney- ND Farmers Union
12	Julie Ellingson- ND Stockmen's Association
13	Attorney General Wayne Stenehjem
14	Rep. Dennis Johnson- House Ag Chair
15	Sen. Larry Luick- Senate Ag Chair
16	Lt. Governor Brent Sanford
17	David Glatt- Department of Environmental Quality
18	Democrat Rep (TBD by caucus)
	EERC:
1	EPA Administrator Scott Pruitt
2	Governor Doug Burgum
3	Senator John Hoeven
4	Congressman Kevin Cramer
5	Heitkamp Rep- Matthew Leiphon
6	Randy Christmann- Public Service Commission Chair
7	John Harju- Energy & Environmental Research Center
8	Ron Ness- ND Petroleum Council
9	Jason Bohrer- Lignite Energy Council
10	Mac McCleanan- Project Tundra/ Minnkota Power Cooperative
11	Sen. Jessica Unruh- Senate Energy and Natural Resources Chair

12	Rep. Todd Porter- House Energy and Natural Resources Chair
13	Lt. Governor Brent Sanford
14	David Glatt- Department of Environmental Quality
15	Paul Sukut- Basin Electric Power Cooperative
16	Eric Olsen- Great River Energy
17	Gerald Bachmeier- Red Trail Energy
18	Rep. Corey Mock- ND House Minority Leader

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/15/2017 6:48:45 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
Subject: RE: Nebraska Leg
Attachments: DRAFT PRUITT NE SCHEDULE UPDATED.DOCX

Updated draft schedule attached

From: Miltenberger, Matt
Sent: Monday, August 14, 2017 9:55 AM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: RE: Nebraska Leg

Tate-

Attached list includes draft line-by-line. I am still working on a potential site to visit between Lincoln and Omaha if you all still want to go visit a location.

Below is the list of Common Sense Nebraska Coalition members.

Please let me know what else you all need from me.

Matt

Common Sense Nebraska Coalition members include:
AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter
Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association
Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association

Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Board
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 14, 2017 9:15 AM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Nebraska Leg

Hi! Matt is actually sending us a Line by Line today. Standby

---

From: McMurray, Forrest
Sent: Monday, August 14, 2017 10:14 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Nebraska Leg

Tate,

Hope you had a relaxing weekend. Do you have any information on the time and events for the Nebraska portion of next week? I am putting together a lxl at the moment.

Forrest McMurray
Scheduling and Advance
U.S. EPA
Office: 202-564-5088
Cell: Ex. 6

Nebraska Events with Administrator Scott Pruitt
Thursday, August 24th, 2017
Lincoln, NE

- 7:40 am: KFAB radio Morning Show - LIVE
  - Host: Gary Sadlemyer
  - Largest listenership in Nebraska

- 8:00 am: Individual Media Interviews
  - Governor's Residence, 1425 H Street, Lincoln
  - Focus on Ag media
    - Radio
      - KRVN – Jesse Harding
      - Brownfield – Ken Anderson
    - TV
      - KOLN – John Vanderford
      - NTV – Steve White
    - Print
      - AP – Grant Shulte
      - Nebraska Farmer – Tyler Harris

- 9:30 am: Briefing with Administrator Pruitt, Governor Ricketts and Cabinet Members
  - Governor's Residence, 1425 H Street, Lincoln
  - Cabinet Attendees:
    - Greg Ibach: Agriculture
    - Courtney Dentlinger: Economic Development
    - David Bracht: Energy
    - Jim Macy: Environmental Quality
    - Jeff Fassett: Natural Resources
    - Kyle Schneweis: Transportation
    - Mike Foley: Lt. Governor
    - Matt Miltenberger: Governor's Chief of Staff
    - Lauren Kintner: Governor's Policy Research Advisor

- 10:30 am: Roundtable Discussion with Administrator Pruitt, Governor Ricketts and members of Common Sense Nebraska Coalition (NE Coalition formed to oppose WOTUS)
  - Governor's Residence, 1425 H Street, Lincoln
  - Common Sense Nebraska Coalition members attached

- 12:00 pm: Conclude

DRAFT

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/3/2017 4:33:16 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Menu and Allergies

I have a 2-3p CDT meeting today but free otherwise to connect!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 2, 2017 10:55 PM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Re: Menu and Allergies

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Just landed in Denver. Haven't forgotten you! I'll run this down and will buzz you in the AM re the other issue.

Sent from my iPhone

On Aug 2, 2017, at 8:04 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> http://boilerroomfargo.com/menus/ Let me know what the admin would like for lunch.
>
> Planning dinner Tuesday. Does he have any allergies/dietary restrictions?
>
> Levi Bachmeier
>
> Policy Advisor
> Office of the Governor
>
> Ex. 6 (c)
> (w)
> lebachmeier@nd.gov

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 8/14/2017 3:14:16 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: My USACE rec

Thank you!

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 14, 2017 11:13 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: My USACE rec

cindy.s.barger.civ@mail.mil

Feel free to name drop me.

Sent from my iPhone

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/14/2017 2:55:15 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
Subject: RE: Nebraska Leg
Attachments: DRAFT PRUITT NE SCHEDULE.docx

Tate-

Attached list includes draft line-by-line. I am still working on a potential site to visit between Lincoln and Omaha if you all still want to go visit a location.

Below is the list of Common Sense Nebraska Coalition members.

Please let me know what else you all need from me.

Matt

Common Sense Nebraska Coalition members include:
AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter
Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association
Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Board
Nebraska Wheat Growers Association
Nemaha Natural Resources District

Pawnee County Rural Water District #1

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 14, 2017 9:15 AM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Nebraska Leg

Hi! Matt is actually sending us a Line by Line today. Standby

---

From: McMurray, Forrest
Sent: Monday, August 14, 2017 10:14 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Nebraska Leg

Tate,

Hope you had a relaxing weekend. Do you have any information on the time and events for the Nebraska portion of next week? I am putting together a lxl at the moment.

Forrest McMurray
Scheduling and Advance
U.S. EPA
Office: 202-564-5088
Cell: Ex. 6

Nebraska Events with Administrator Scott Pruitt
Thursday, August 24th, 2017
Lincoln, NE

- 7:40 am: KFAB radio Morning Show
  - Host: Gary Sadlemyer
  - Largest listenership in Nebraska

- 8:00 am: Breakfast Briefing with Administrator Pruitt, Governor Ricketts and Cabinet Members
  - Governor's Residence, 1425 H Street, Lincoln
  - Cabinet Attendees:
    - Greg Ibach: Agriculture
    - Courtney Dentlinger: Economic Development
    - David Bracht: Energy
    - Jim Macy: Environmental Quality
    - Jeff Fassett: Natural Resources
    - Kyle Schneweis: Transportation
    - Mike Foley: Lt. Governor
    - Matt Miltenberger: Governor's Chief of Staff
    - Lauren Kintner: Governor's Policy Research Advisor

- 9:00 am: Roundtable Discussion with Administrator Pruitt, Governor Ricketts and members of Common Sense Nebraska Coalition (NE Coalition formed to oppose WOTUS)
  - Governor's Residence, 1425 H Street, Lincoln
  - Common Sense Nebraska Coalition members attached

- 10:30 am: Media Briefing
  - Governor's Residence, 1425 H Street, Lincoln
  - Would invite several members of Common Sense Nebraska Coalition to participate in media briefing with Administrator Pruitt and Governor Ricketts

- 11:00 am: Individual Media Interviews
  - Governor's Residence, 1425 H Street, Lincoln
  - Focus on Ag media
    - KFXL: Steve White
    - KRVN: Jesse Harding
    - Nebraska Farmer: Tyler Harris

DRAFT

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 8/17/2017 8:29:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Meeting August 7

Hey, Tate! Hope the tour is treating you well!

Governor Haslam was good with the plan you pitched for the 28th. He also asked if the Secretary would like to meet at the Executive Residence for breakfast that morning at 7:30 a.m. CT. (He said it would be fine if he had a staff member with him also.)

I believe you pitched meeting at the Capitol at 9:00 a.m. CT, and he is good with that and also with bringing in whomever is appropriate (Ag, AG's office, TDEC...).

Happy to go over everything on the phone when it's convenient for you!

Thanks!
Catherine

From: Catherine Cromer
Sent: Tuesday, August 15, 2017 1:48 PM
To: 'Bennett, Tate'
Subject: RE: Meeting August 7

Hey! Yesterday got away from me – I'm sorry I didn't call! Are you around at all this afternoon?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 11, 2017 5:07 PM
To: Catherine Cromer
Subject: Re: Meeting August 7

That would work!

Sent from my iPhone

On Aug 11, 2017, at 5:45 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Hey, Tate! Can we connect Monday afternoon to go over the plan for the 28th?
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 02, 2017 4:24 AM
> **To:** Catherine Cromer
> **Subject:** Re: Meeting August 7
>
> I'll be on the road with the Admin so something might come up, but that should work. What number is best?
>
> Sent from my iPhone
>
> On Aug 1, 2017, at 11:28 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Sure! How about 10:00 CT?

On Aug 1, 2017, at 8:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> ***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****
>
> Can I try you in the morning? Today got away from me! If so, what time?
>
> Sent from my iPhone
>
> On Aug 1, 2017, at 5:29 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
>> Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?
>>
>> Thank you,
>> Catherine
>>
>> <image001.png>
>>
>> **Catherine Cromer**|Scheduler to the Governor
>> State Capitol, Ground Floor
>> 600 Charlotte Ave., Nashville, TN 37243
>> p. [Ex. 6]
>> catherine.cromer@tn.gov
>>
>> ---
>>
>> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> **Sent:** Monday, July 31, 2017 8:42 AM
>> **To:** Brianna Lundeen
>> **Cc:** Catherine Cromer
>> **Subject:** RE: Meeting August 7
>>
>> Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?
>>
>> ---
>>
>> **From:** Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
>> **Sent:** Monday, July 31, 2017 8:53 AM
>> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Cc:** Catherine Cromer <Catherine.Cromer@tn.gov>
>> **Subject:** Re: Meeting August 7
>>
>> Hi Tate,
>>
>> I am no longer in the scheduling office but I am copying Catherine here. She will be in touch soon to set this up.

Thank you,
Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
o. Ex. 6 m. Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details. Ex. 6
>
> Sent from my iPhone

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/22/2017 12:04:57 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Urgent

Call me whenever it works for you

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 9:22 PM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Urgent

Unexpected hurdle- Pruitt's doctor told him tonight he still can't fly this week despite his surgery took place over a week ago. We may need to postpone. May I call you in the morning?

Sent from my iPhone

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/7/2017 7:12:52 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Tomorrow night

We'll match you so if there are two EPA staffers we'll have the first lady and one staffer in attendance.

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 7, 2017 9:02 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Tomorrow night

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

How many staffers on your end will be in attendance?

Sent from my iPhone

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/7/2017 7:00:41 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: ND Farm Visit

Agreed. May be easier to chat live if you need clarification. Line by line with farm stop coming soon.

Groups invited:

Corn Growers
Grain Growers
Sugar Beet Growers
Soybean Growers
ND Ag Association
ND Potato Growers

Let me know how else I can be helpful.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 7, 2017 8:32 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Fwd: ND Farm Visit

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

This was confusing.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Date:** August 7, 2017 at 9:31:14 AM EDT
> **To:** "Lee, Jessica (Hoeven)" <Jessica_Lee@hoeven.senate.gov>
> **Cc:** "Brusegaard, Tom (Hoeven)" <Tom_Brusegaard@hoeven.senate.gov>, "Bachmeier, Levi" <lebachmeier@nd.gov>, "Bernstein, Ryan (Hoeven)" <Ryan_Bernstein@hoeven.senate.gov>
> **Subject: Re: ND Farm Visit**
>
> Hi Jessica-
>
> I believe your office and Levi set this up alongside Ethan Matthews with the corn growers. I suggest Tom check in with either of them, but I'll be sure pass along anything we get back from them today.
>
> Thanks!
> Tate

On Aug 7, 2017, at 9:22 AM, Lee, Jessica (Hoeven) <jessica_Lee@hoeven.senate.gov> wrote:

Good morning Tate,

I understand through Levi Bachmeier that Administrator Pruitt has accepted the senator's invitation to visit a farm and have a discussion with some of North Dakota's grower groups. Will you please connect with Tom Brusegaard, the senator's agriculture specialist to coordinate this stop of the senator's visit to North Dakota.

We would like to get invitations out to stakeholders by this afternoon.

Thank you,
Jessica

Jessica Lee
State Director
U.S. Senator John Hoeven
123 Broadway Suite 201
Fargo, ND 58103
Office: Ex. 6

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 8/15/2017 3:20:01 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Tax Reform

Tate-

When the Governor met with Admin. Pruitt at the White House the Governor mentioned a partnership between Nebraska Public Power District (NPPD) and Monolith Materials which will allow NPPD's Sheldon Station to become the largest hydrogen-fueled electric power station in the U.S. Admin. Pruitt had asked for more information on project. I have linked an article below but also wondered if this might be something we could add to the schedule for the visit. Ground has been broken on the project but they are still in the dirt moving stages. We could have a briefing for your team on the project if it is something of interest.

Let me if you have any other questions.

Thanks

Matt

http://spectrum.ieee.org/energywise/energy/fossil-fuels/nuclear-to-coal-to-hydrogen-sheldon-station-blazes-a-trail

---

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 14, 2017 6:35 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Tax Reform

POTUS wants us to work a theme of tax reform into some of our events. I know your boss has been particularly active on this topic at the local level. Is there a way to fit this into the narrative of the lineXline you are sending today?
Is your coalition already teed up on tax reform?

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 8/2/2017 7:40:56 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; lebachmeier@nd.gov
Subject: North Dakota

Per North Dakota law, the WOTUS meeting will be open to the public. We will try to bury it but it will be open.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell Ex. 6
Work Email: wilcox.jahan@epa.gov

Message

From: Alan Matheson [amatheson@utah.gov]
Sent: 7/18/2017 12:49:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cody Stewart [codystewart@utah.gov]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: Re: Discussion Questions

Thanks for the notice.

Sent from my iPhone

On Jul 18, 2017, at 6:44 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Morning! Thanks for all your planning that went into today. Below are some questions state specific that COULD come up on our end, in case you wanted to take a look beforehand.
>
> **State Specific**
>
> 1. What are the biggest concerns you see for arid states as we define WOTUS?
>
> 2. UT provided rule text that was developed in coordination with counties. With the list of excluded waters provided, what impact might that have on the state's NPDES program where you would have an increase in conduits and conveyances?
>
> 3. Can you say more about what you mean by "regional variations that can swallow the rule?"

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 8/21/2017 3:05:26 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Call request with Governor Walker

Unfortunately he is flying around the state earlier in the day.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 11:02 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

He's recovering from surgery and can work around the Governor's schedule.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

There should be a chance. Do you have a few times on those days you can provide and I can check with my scheduling folks?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 10:57 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

Hey! Is there any chance he can do either tomorrow or Tuesday? Also, adding Troy Lyons and Preston Cory now handling the Governor's portfolio who would be staffing the call.

You are losing me but I'm not going far— just down the hall to head the Office of Public Engagement/ Business Outreach.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:35 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just checking on these proposed time changes?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Friday, August 18, 2017 2:44 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Would either of these times work for the same day?

3:15 – 3:30pm CT (4:15pm – 4:30pm ET)
4:40pm – 5:15pm CT (5:40pm – 6:15pm ET)

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 18, 2017 1:38 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call request with Governor Walker

Sorry to keep going back and forth on this, but it sounds like the Administrator is going to be in a place with bad cell service on Friday AM of next week. Are there some other dates/times you might suggest? Or later that day perhaps?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.
>
> Sent from my iPhone
>
> On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:
>
>> Hi Tate,
>>
>> I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**

- 9:00am EST
- 9:30am EST
- 10:00am EST

Please let me know if any of these times work or if you need more other information.

Thank you!
Sally

Sally Fox
Federal Relations Assistant
Office of Wisconsin Governor Scott Walker
sally.fox@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Crystal Phelps [Crystal.Phelps@arkansas.gov]
Sent: 7/21/2017 6:51:58 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Thank you, Arkansas!

I will be out of the office until Monday, July 31, 2017. I will be checking my email, but if you need immediate assistance, please Amanda Owens at Ex. 6 or amanda.owens@arkansas.gov.

Thank you,

Crystal

Message

From: Alan Matheson [amatheson@utah.gov]
Sent: 7/18/2017 12:43:33 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Fwd: List

Here is the list of those who have indicated they will attend the round table. Let me know if you need anything else.

Sent from my iPhone

Begin forwarded message:

> **From:** Jenny Potter <jmpotter@utah.gov>
> **Date:** July 18, 2017 at 6:39:11 AM MDT
> **To:** Alan Matheson <amatheson@utah.gov>
> **Subject: List**

EPA Meeting

Alan Matheson - Executive Director DEQ
Erica Gaddis - Director DWQ
Ross Ford - Executive Officer Utah Home Builders Association
Jason Gipson - Chief USACE
LuAnn Adams - Commissioner Utah Dept of Agriculture
Scott Ericson - Deputy Commissioner Utah Dept of Agriculture
Jay Olsen - Environmental Specialist UDAF
Ron Gibson - President Utah Farm Bureau
Lee Peacock - President Utah Petroleum Association
Margaret Dayton - Utah State Representative
John Baza - Director Division of Oil, Gas and Mining
Mike Styler - Executive Director Department of Natural Resources
Rob Simmons - Deputy Director Governors Office of Energy
David Ure - Director Department of Public Lands
Joanna MacKay-Slaon UAR Government Affairs Director Utah Realtors Association
Ron Dean Natural Resource Counsel on behalf of Orrin Hatch
Robert Axson State Director on behalf of Mike Lee
Laurel Price District Director on behalf of Mia Love
Peter Jenks, District Director on behalf of Rob Bishop
Brian Steed Chief of Staff on behalf of Chris Stewart
Steve Osguthorpe - Sheep rancher
Randy Parker Vice President Utah Farm Bureau
Justin Harding Chief of Staff Governor's Office
Mike Mower - Deputy Chief of Staff Governor's office
Paul Edwards - Deputy Chief of Staff Governor's office
Scott Baird - Deputy Director DEQ

This is who have RSVP I attached the full list for you just in case you needed it for anything else.

Thanks
Jen

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
Executive Directors Office
Phone: Ex. 6
Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

Message

From: Sayer, Matthias, EMNRD [MatthiasL.Sayer@state.nm.us]
Sent: 7/17/2017 3:47:14 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Dave Ross Quote

I am putting something together and will have it to you shortly…

Matthias Sayer
Deputy Cabinet Secretary
New Mexico Energy Minerals & Natural Resource Department
Office: Ex. 6
Fax: Ex. 6

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 3:29 PM
To: Sayer, Matthias, EMNRD <MatthiasL.Sayer@state.nm.us>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Dave Ross Quote

Deputy Cabinet Secretary-

I wanted to reach out to you regarding a quote for David Ross. Thanks for being willing to help! The following is being used by another state's DEQ and will serve as an example:

"Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Do you think this is something you might be able to provide us with ASAP?

Let me know if you have any questions. My cell is Ex. 6 Feel free to call any time including over the weekend.

Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 8/21/2017 3:01:32 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Call request with Governor Walker

Thanks, Kyle. Do you know which waiver the call would be in regards to?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

There should be a chance. Do you have a few times on those days you can provide and I can check with my scheduling folks?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

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Subject: RE: Call request with Governor Walker

Hey! Is there any chance he can do either tomorrow or Tuesday? Also, adding Troy Lyons and Preston Cory now handling the Governor's portfolio who would be staffing the call.

You are losing me but I'm not going far— just down the hall to head the Office of Public Engagement/ Business Outreach.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:35 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just checking on these proposed time changes?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker

kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Friday, August 18, 2017 2:44 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Would either of these times work for the same day?

3:15 – 3:30pm CT (4:15pm – 4:30pm ET)
4:40pm – 5:15pm CT (5:40pm – 6:15pm ET)

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
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444 N. Capitol Street, NW
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Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
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From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.
>
> Sent from my iPhone
>
> On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:
>
>> Hi Tate,
>>
>> I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**
>>
>> - 9:00am EST
>> - 9:30am EST
>> - 10:00am EST
>>
>> Please let me know if any of these times work or if you need more other information.
>>
>> Thank you!
>> Sally
>>
>> **Sally Fox**
>> *Federal Relations Assistant*
>> Office of Wisconsin Governor Scott Walker
>> sally.fox@wisconsin.gov
>> Direct Ex. 6
>> Hall of States
>> 444 N. Capitol Street, NW
>> Suite 544

Washington, D.C. 20001-1581

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/2/2017 4:54:15 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Sugar Contacts

Great. Thanks.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 2, 2017 11:53 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Re: Sugar Contacts

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

In Indiana w Pruitt. Call you when this lets out

Sent from my iPhone

On Aug 2, 2017, at 12:23 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Just tried to call. Give me a ring when you have a chance.
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 2, 2017 10:43 AM
> **To:** Cassie Bladow <cassie.bladow@beetsugar.org>
> **Cc:** Bachmeier, Levi <lebachmeier@nd.gov>
> **Subject:** Re: Sugar Contacts
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Thanks! Copying Levi.
>
> Sent from my iPhone
>
> On Aug 2, 2017, at 11:42 AM, Cassie Bladow <cassie.bladow@beetsugar.org> wrote:
>
>> Hi Tate,
>>
>> Thanks for reaching out. As discussed, below are the contacts for both American Crystal Sugar Company and Minn-Dak Farmers Coop.
>>
>> Kevin Price - kprice@crystalsugar.com
>> Kurt Wickstrom - kwickstrom@mdf.coop
>> Rick Kasper - rkasper@mdf.coop

Thank you,

Cassie Bladow
U.S. Beet Sugar Association
50 F Street, NW, Suite 675
Washington, DC 20001
Ex. 6
<image001.jpg>

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 7/18/2017 8:16:59 PM
To: Kluesner, Elizabeth M - DNR [Elizabeth.Kluesner@wisconsin.gov]; Neitzel, William E - GOV [William.Neitzel@wisconsin.gov]; Anderson, Bethany - GOV [Bethany.Anderson@wisconsin.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: EPA Administrator Visit on the 7th

Elizabeth and Tate:

Wanted to connect you guys about the potential visit on the 7th with Administrator Pruitt. Tate is running point for the EPA and is looking to confirm a location in the Milwaukee area. Tate said she has been in touch with Farm Bureau and the Cattlemen about locations, but still needs to lock down a place. Hoping we can help with that.

Elizabeth is the federal issues liason for the WI DNR. She is aware of the visit and can help move the ball forward.

Thanks,

Kyle

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 7/17/2017 2:43:14 PM
To: Alan Matheson [amatheson@utah.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: UT Tomorrow

Great, thanks Alan!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Monday, July 17, 2017 10:17 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Re: UT Tomorrow

Mark and Ryan were already on our list and received invitations. Thanks.

Alan Matheson | Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116
Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

On Mon, Jul 17, 2017 at 7:10 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Alan, wanted to note the below for you. Christian comes from the OH Coal Assn (now on our team) and has two to add to our roundtable. Do you mind sharing their contact info with Alan, Christian?

From: Palich, Christian
Sent: Monday, July 17, 2017 8:53 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: UT Tomorrow

Hi Tate,

Safe travels to Utah and I'm sure it will be a great event. Let me know when you have an exact time/locale for the roundtable tomorrow and I will have the two folks from Utah Mining there.

Hope you enjoyed your weekend,

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Ex. 6

E: Palich.Christian@epa.gov

Message

From: Kyocera5551CI@wyo.gov [Kyocera5551CI@wyo.gov]
Sent: 7/14/2017 9:56:41 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; todd.parfitt@wyo.gov
Attachments: Scanned Doc030466.pdf

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TASKalfa 5551ci
[00:17:c8:23:97:cd]
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```

Matthew H. Mead, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Todd Parfitt, Director

July 14, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

RE: Nomination of Dave Ross for Assistant Administrator of Water for the U.S. Environmental Protection Agency

Dear Mr. Pruitt:

On behalf of the Wyoming Department of Environmental Quality (WDEQ), I support the nomination of Dave Ross to serve as the Assistant Administrator of Water for the U.S. Environmental Protection Agency (EPA). The WDEQ is responsible for protecting the quality of Wyoming's surface and ground waters under the Wyoming Environmental Quality Act, and implements federal water quality programs under both the Clean Water Act and the Safe Drinking Water Act. Consequently, it is of great importance and interest to Wyoming that this key position be filled with a strong professional leader with a solid background in water quality programs. Based on my experience working with Mr. Ross coupled with his diverse background and experience in water quality matters, I am confident that Mr. Ross possesses the necessary traits to successfully implement EPA's water programs in a collaborative manner with states.

Mr. Ross has broad and diverse experiences in water quality matters, including working as the State of Wyoming's lead water quality attorney, experience as an environmental consultant working on water reclamation projects in California, and handling many Clean Water Act Section 404 matters in private law practice. His detailed knowledge of the Clean Water Act, combined with his ability to blend policy, science and the law to analyze, formulate and implement solutions to complex issues, proved invaluable to Wyoming. His deep knowledge of water quality issues and his practical experience make him ideally situated to be the Assistant Administrator of Water and to serve and support you and the agency.

Mr. Ross possesses the necessary tools to effectively and appropriately oversee the EPA's Water programs in a fair, balanced and practical way. He has demonstrated the ability to objectively analyze and consider inputs from all points of view and formulate a fair and reasoned approach resulting in clear and concise decisions. One such example includes his key role in facilitating practical and productive dialogue with the United States Army Corps of Engineers to successfully advance remediation efforts at Formerly Used Defense Sites in and around Cheyenne, Wyoming.

Mr. Ross's understanding of the intersection of federal and state law, and on the ground implementation of those laws is key to successful administration of EPA's water programs. As an

200 West 17th Street · Cheyenne, WY 82002 · http://deq.wyoming.gov · Fax (307)635-1784
ADMIN/OUTREACH ABANDONED MINES AIR QUALITY INDUSTRIAL SITING LAND QUALITY SOLID & HAZ. WASTE

example, one issue of great importance and interest is the ongoing effort to clarify the definition of Waters of the United States. His direct knowledge of, and involvement in the Assumable Waters Subcommittee would be a tremendous asset in any federal-state dialogue on how to effectively shape future policy and direction in the Section 404(g) program.

Finally, Mr. Ross has demonstrated his clear knowledge and understanding of the appropriate roles of federal, state, local and tribal authorities in implementing water programs. This understanding of the relationship between state and federal partners is a critical attribute as the states and EPA work collaboratively to embrace the key principles of cooperative federalism.

For these reasons, the WDEQ strongly supports the confirmation of Dave Ross as the Assistant Administrator for Water.

Sincerely,

Todd Parfitt
Director

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 8/6/2017 3:31:25 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Johnson, Sgt. Steven L. [sljohnso@nd.gov]
Subject: RE: Secretary Pruitt Visit

Levi -- could we hop on the phone tomorrow morning please?

1PM should hopefully work.

Thank you.

Millan Hupp
Director of Scheducling and Advance
Office of the Administrator
Cell: Ex. 6 Email: hupp.millan@epa.gov

From: Bachmeier, Levi [mailto:lebachmeier@nd.gov]
Sent: Thursday, August 3, 2017 12:33 PM
To: Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Johnson, Sgt. Steven L. <sljohnso@nd.gov>
Subject: RE: Secretary Pruitt Visit

Sometime 1-5p would work best for me for a site advance. Let me know what works best for your schedule in that window.

Please loop Sgt Johnson in once a security team is determined. Thanks so much.

From: Hupp, Millan [mailto:hupp.millan@epa.gov]
Sent: Wednesday, August 2, 2017 11:02 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Bachmeier, Levi <lebachmeier@nd.gov>; Johnson, Sgt. Steven L. <sljohnso@nd.gov>
Subject: Re: Secretary Pruitt Visit

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Levi,

Good evening. I'll be the lead Advance for the Administrator's visit. Our security team had not yet determined who will be the lead agent but grateful to have contact info for you all.

We will be coming in on Tuesday to do our site advance. Kindly let me know when might be the best time that day for you.

Thank you,

Millan

Sent from my iPhone

On Aug 2, 2017, at 9:57 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Adding Millan
>
> Sent from my iPhone
>
> On Aug 2, 2017, at 7:04 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:
>
>> Tate,
>>
>> Would you mind sharing the contact information of Pruitt's security team/advance? I'd like to connect them with Sergeant Johnson. Thanks!
>>
>> ---
>>
>> **From:** Johnson, Sgt. Steven L.
>> **Sent:** Wednesday, August 2, 2017 3:56 PM
>> **To:** Bachmeier, Levi <lebachmeier@nd.gov>
>> **Subject:** Secretary Pruitt Visit
>>
>> Levi, have you been contacted by any of secretary Pruitt's security team yet ? If so do you have a point of contact?
>>
>> Sergeant Steven Johnson
>> Director of Security
>> North Dakota Highway Patrol
>> Office Ex. 6
>> Cell Ex. 6

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 8/3/2017 4:02:22 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Bachmeier, Levi [lebachmeier@nd.gov]; Johnson, Sgt. Steven L. [sljohnso@nd.gov]
Subject: Re: Secretary Pruitt Visit

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Thank you,

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Sent from my iPhone

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> Sent from my iPhone
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>
> > Tate,
> >
> > Would you mind sharing the contact information of Pruitt's security team/advance? I'd like to connect them with Sergeant Johnson. Thanks!
> >
> > ---
> >
> > **From:** Johnson, Sgt. Steven L.
> > **Sent:** Wednesday, August 2, 2017 3:56 PM
> > **To:** Bachmeier, Levi <lebachmeier@nd.gov>
> > **Subject:** Secretary Pruitt Visit
> >
> > Levi, have you been contacted by any of secretary Pruitt's security team yet ? If so do you have a point of contact?
> >
> > Sergeant Steven Johnson
> > Director of Security
> > North Dakota Highway Patrol
> > Office Ex. 6
> > Cell Ex. 6

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/4/2017 4:02:38 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Corn growers

Just tried to call. We need to connect today.

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 4, 2017 10:09 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Corn growers

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Any chance they can have a seat. Will explain back story. Ex. 6

Sent from my iPhone

Message

From: Kyocera5551CI@wyo.gov [Kyocera5551CI@wyo.gov]
Sent: 7/14/2017 9:23:12 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Attachments: Scanned Doc030463.pdf

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TASKalfa 5551ci
[00:17:c8:23:97:cd]
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Matthew H. Mead, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

DEQ

Todd Parfitt, Director

July 14, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

RE: Nomination of Dave Ross for Assistant Administrator of Water for the U.S. Environmental Protection Agency

Dear Mr. Pruitt:

On behalf of the Wyoming Department of Environmental Quality (WDEQ), I support the nomination of Dave Ross to serve as the Assistant Administrator of Water for the U.S. Environmental Protection Agency (EPA). The WDEQ is responsible for protecting the quality of Wyoming's surface and ground waters under the Wyoming Environmental Quality Act, and implements federal water quality programs under both the Clean Water Act and the Safe Drinking Water Act. Consequently, it is of great importance and interest to Wyoming that this key position be filled with a strong professional leader with a solid background in water quality programs. Based on my experience working with Mr. Ross coupled with his diverse background and experience in water quality matters, I am confident that Mr. Ross possesses the necessary traits to successfully implement EPA's water programs in a collaborative manner with states.

Mr. Ross has broad and diverse experiences in water quality matters, including working as the State of Wyoming's lead water quality attorney, experience as an environmental consultant working on water reclamation projects in California, and handling many Clean Water Act Section 404 matters in private law practice. His detailed knowledge of the Clean Water Act, combined with his ability to blend policy, science and the law to analyze, formulate and implement solutions to complex issues, proved invaluable to Wyoming. His deep knowledge of water quality issues and his practical experience make him ideally situated to be the Assistant Administrator of Water and to serve and support you and the agency.

Mr. Ross possesses the necessary tools to effectively and appropriately oversee the EPA's Water programs in a fair, balanced and practical way. He has demonstrated the ability to objectively analyze and consider inputs from all points of view and formulate a fair and reasoned approach resulting in clear and concise decisions. One such example includes his key role in facilitating practical and productive dialogue with the United States Army Corps of Engineers to successfully advance remediation efforts at Formerly Used Defense Sites in and around Cheyenne, Wyoming.

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example, one issue of great importance and interest is the ongoing effort to clarify the definition of Waters of the United States. His direct knowledge of, and involvement in the Assumable Waters Subcommittee would be a tremendous asset in any federal-state dialogue on how to effectively shape future policy and direction in the Section 404(g) program.

Finally, Mr. Ross has demonstrated his clear knowledge and understanding of the appropriate roles of federal, state, local and tribal authorities in implementing water programs. This understanding of the relationship between state and federal partners is a critical attribute as the states and EPA work collaboratively to embrace the key principles of cooperative federalism.

For these reasons, the WDEQ strongly supports the confirmation of Dave Ross as the Assistant Administrator for Water.

Sincerely,

Todd Parfitt
Director

Message

From: Allan, Kristin [kristin.allan@nebraska.gov]
Sent: 7/25/2017 1:46:41 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Kintner, Lauren [Lauren.Kintner@nebraska.gov]
Subject: RE: potential instate event?

Good morning, Tate! Hope all is well!
Yes, I'm holding Thursday, August 24. I look forward to working with you.
Thank you,
Kristin

Kristin Allan
Scheduler

Office of Governor Pete Ricketts
OFFICE Ex. 6
kristin.allan@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Miltenberger, Matt
Sent: Tuesday, July 25, 2017 8:39 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Allan, Kristin <kristin.allan@nebraska.gov>
Subject: Re: potential instate event?

Aug 24th should work. Adding the Governor's scheduler to the email.

Sent from my iPhone

On Jul 25, 2017, at 4:29 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Apologies! 24th of August**
>
> Sent from my iPhone
>
> On Jul 25, 2017, at 6:28 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > The 23rd of August?
> >
> > Thank for the heads up! Had heard through the grapevine. I may not be in D.C that day, but we will definitely have an appointee on our team coordinate with and escort you all through the visit.
> >
> > Does the Governor prefer/would he like a meeting to see Pruitt as well?

Tate

Sent from my iPhone

On Jul 25, 2017, at 1:25 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Tate-
>
> The Governor is on a trade mission to Canada that week. We can be pretty flexible outside that week.
>
> On another note, wanted to make sure you knew Gov Ricketts is planning to be in DC for the RFS hearing
>
> Matt
>
> Sent from my iPhone
>
> On Jul 24, 2017, at 9:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Hi Team NE. Any chance we could try to do an instate WOTUS visit in Lincoln at the Capital either August 7 or 10th? Just wanted to circle back on this.
>>
>> Sent from my iPhone
>>
>> On Jul 11, 2017, at 7:59 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>>> Thanks for letting me know so quickly! We will catch y'all this fall.
>>>
>>> Sent from my iPhone
>>>
>>> On Jul 11, 2017, at 7:56 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>>>
>>>> Tate-
>>>>
>>>> It was great getting to finally meet you in person in DC. The Governor is leaving next Tuesday for a vacation with his family and will be out the rest of the week. He could

do something Monday but Thursday won't work.

Thanks

Matt

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, July 11, 2017 6:36 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Kintner, Lauren <Lauren.Kintner@nebraska.gov>
Subject: July 20 potential instate event?

Matt/ Lauren-

Pruitt enjoyed his meeting with your boss at the WH the other week!

What are the odds the Governor could do a small, instate WOTUS meeting/ consultation with the Pruitt next week?

We are trying to hit all 50 states and can come to the Capital there. This would not preclude a future visit.

Would be just the Governor, DEQ,

Pruitt and relevant
Cabinet/ staff.
Looking at Thursday
the 20th preferably.

Call me if you want
to chat this through.

If it doesn't work- no
worries.

Tate Ex. 6

Sent from my iPhone

Message

From: Alan Matheson [amatheson@utah.gov]
Sent: 7/19/2017 12:25:31 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: EPA administrator Scott Pruitt comes to Utah, says he'll reconsider new pollution mandates at two coal-fired power plants | The Salt Lake Tribune

Department of Environmental Quality
195 North 1950 West
Salt Lake City, Utah 84116

It was a pleasure to work with you and your highly professional team.

Sent from my iPhone

On Jul 18, 2017, at 10:40 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Thank you both for everything this past week. Do you all have good mailing addresses for yourselves?
>
> Alan Matheson, executive director of the state Department of Environmental Quality, told reporters about the letter after Pruitt left the state Capitol.
>
> Originally, Matheson said, the EPA mandated pollution controls beyond those the state offered in its proposed Regional Haze plan, believing it would result in small improvements in the visibility around national parks within the vicinity of Rocky Mountain Power's Hunter and Huntington plants in Emery County.
>
> http://www.sltrib.com/news/5522569-155/top-epa-administrator-to-talk-air
>
> Sent from my iPhone

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 8/1/2017 9:28:45 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Meeting August 7

Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?

Thank you,
Catherine

Tennessee State Government | Office of the Governor

Catherine Cromer|Scheduler to the Governor
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
p. Ex. 6
catherine.cromer@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 31, 2017 8:42 AM
To: Brianna Lundeen
Cc: Catherine Cromer
Subject: RE: Meeting August 7

Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?

From: Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
Sent: Monday, July 31, 2017 8:53 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Catherine Cromer <Catherine.Cromer@tn.gov>
Subject: Re: Meeting August 7

Hi Tate,

I am no longer in the scheduling office but I am copying Catherine here. She will be in touch soon to set this up.

Thank you,
Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
o. Ex. 6 m. Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a

call for more details. Ex. 6

Sent from my iPhone

Message

From: Jim Henry [Jim.Henry@tn.gov]
Sent: 7/14/2017 1:42:07 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: Re: Call with Pruitt Monday?

I will send this to the Governor's executive assistant to follow up.

Sent from my iPhone

On Jul 14, 2017, at 8:40 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Jim-
>
> Apologies to bother if you are at NGA (and feel free to forward this along), but Is there any chance that the Governor is available to speak with Pruitt r.e. NPL sites in TN on Monday anywhere from 10:45-11:45 AM Eastern?
>
> Let me know.
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 7/17/2017 1:13:58 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Alan Matheson [amatheson@utah.gov]
Subject: RE: UT Tomorrow

Hi Alan,

Below are the two people who will attend tomorrow.

- Mark Compton (President, UT Mining Assn), c: Ex. 6
- Ryan Clerico (Head of Development and Environment, Enefit American Oil) c: Ex. 6

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Bennett, Tate
Sent: Monday, July 17, 2017 9:10 AM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Alan Matheson <amatheson@utah.gov>
Subject: RE: UT Tomorrow

Alan, wanted to note the below for you. Christian comes from the OH Coal Assn (now on our team) and has two to add to our roundtable. Do you mind sharing their contact info with Alan, Christian?

From: Palich, Christian
Sent: Monday, July 17, 2017 8:53 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: UT Tomorrow

Hi Tate,

Safe travels to Utah and I'm sure it will be a great event. Let me know when you have an exact time/locale for the roundtable tomorrow and I will have the two folks from Utah Mining there.

Hope you enjoyed your weekend,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944

C: Ex. 6
E: *Palich.Christian@epa.gov*

Message

From: Cody Stewart [codystewart@utah.gov]
Sent: 7/27/2017 4:04:06 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: thanks for the great visit last week

Governor Herbert very much enjoyed his time with Secretary Pruitt. Thanks again for the opportunity.

During his visit, Governor Herbert and Secretary Pruitt talked about the idea of attending a baseball game together the next time Governor Herbert was in town. Governor Herbert plans to be in D.C. around Sept. 28th and was wondering if the Secretary would be interested in accompanying him to the Nationals vs. Pirates game that evening at 7pm.

Can you check and see if this is something the Secretary would be interested in doing and might work for his calendar?

Thanks!

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

Message

From: Catherine Cromer [Catherine.Cromer@tn.gov]
Sent: 8/2/2017 2:56:41 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Meeting August 7

Great! I'm around so anytime works. Best number Ex. 6, but my cell is Ex. 6 just in case you need it.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 02, 2017 4:24 AM
To: Catherine Cromer
Subject: Re: Meeting August 7

I'll be on the road with the Admin so something might come up, but that should work. What number is best?

Sent from my iPhone

On Aug 1, 2017, at 11:28 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Sure! How about 10:00 CT?
>
> On Aug 1, 2017, at 8:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > ***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****
> >
> > Can I try you in the morning? Today got away from me! If so, what time?
> >
> > Sent from my iPhone
> >
> > On Aug 1, 2017, at 5:29 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
> >
> > > Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?
> > >
> > > Thank you,
> > > Catherine
> > >
> > > <image001.png>
> > >
> > > **Catherine Cromer**|Scheduler to the Governor
> > > State Capitol, Ground Floor
> > > 600 Charlotte Ave., Nashville, TN 37243
> > > p. Ex. 6
> > > catherine.cromer@tn.gov
> > >
> > > ---
> > >
> > > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > > **Sent:** Monday, July 31, 2017 8:42 AM
> > > **To:** Brianna Lundeen

Cc: Catherine Cromer
Subject: RE: Meeting August 7

Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?

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To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Catherine Cromer <Catherine.Cromer@tn.gov>
Subject: Re: Meeting August 7

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Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
o. Ex. 6 m. Ex. 6

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>
> Sent from my iPhone

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 7/31/2017 9:06:06 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Sample Invite List for Aug 10

Cool.

On Jul 31, 2017, at 4:09 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

Feedback welcome so I can start sending out invites tonight:

WOTUS:

1. Admin Pruitt
2. Gov Burgum
3. Cramer
4. Hoeven
5. Heitkamp
6. Ag Commissioner Goehring
7. Sugar Rep (can it be sugar beet growers or would you like specific company?)
8. NDSU President
9. NDSU Ag representative
10. State water engineer (speak to golf courses, construction development, etc)
11. ND Farum Bureau
12. ND Farmers Union
13. Stockman's Association
14. AG Stenehjem
15. AG Stenehjem's invite (for helping lead fight against WOTUS)
16. House Ag chair
17. Senate Ag chair
18. Lt. Gov

EERC:

1. Admin Pruitt
2. Gov
3. Cramer
4. Hoeven
5. Heitkamp
6. PSC Rep (Infrastructure)
7. UND President
8. EERC Rep
9. Ron Ness- Petroleum Council
10. Tyler Hammen- Lignite Energy Council
11. Mac McCleanan- Project Tundra
12. Senate ENR chair
13. House ENR chair
14. Lt. Gov
15. Tribal energy rep (likely MHA Chr Mark Fox)

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Boak, Scott [Scott.Boak@maine.gov]
Sent: 7/13/2017 5:25:11 PM
To: Lee Rudofsky [lee.rudofsky@arkansasag.gov]; O'Neal, Melissa [melissa.oneal@maine.gov]
CC: Leonna Bias [leonna.bias@arkansasag.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Attorneys General Call with EPA Administrator Scott Pruitt

If you send me the call-in and conference ID I will join in the call at 1:30 on behalf of the Maine Office of the Attorney General. Again, thanks for your assistance.

Scott Boak
Assistant Attorney General
Scott.Boak@maine.gov
Ex. 6

-----Original Message-----
From: Lee Rudofsky [mailto:lee.rudofsky@arkansasag.gov]
Sent: Thursday, July 13, 2017 11:04 AM
To: O'Neal, Melissa
Cc: Boak, Scott; Leonna Bias; Tate Bennett
Subject: Re: Attorneys General Call with EPA Administrator Scott Pruitt

Leonna:

Please provide to this group the PARTICIPANT CALL IN and the CONFERENCE ID.

Lee

Sent from my iPhone

On Jul 13, 2017, at 7:49 AM, O'Neal, Melissa <melissa.oneal@maine.gov<mailto:melissa.oneal@maine.gov>> wrote:

Lee:

Attorney General Mills has asked Assistant Attorney General Scott Boak to participate in this call. We do now, however, have any of the call-in information. Is this call still happening today? If so, would you kindly forward the call-in information so that Attorney Boak can participate?

Many thanks,
Missy

Melissa A. O'Neal
Executive Assistant to the Attorney General

Office of the Maine Attorney General
Burton Cross Building
SHS# 6
Augusta, ME 04333
Ex. 6 - direct dial
- mobile
Melissa.ONeal@maine.gov<mailto:Melissa.ONeal@maine.gov>

CONFIDENTIALITY NOTICE:
This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Also, correspondence to and from this office may be considered a public record and subject to the Maine Freedom of Access Act.

From: James McPherson [mailto:jmcpherson@NAAG.ORG]
Sent: Wednesday, June 14, 2017 12:19 PM
To: James McPherson
Cc: Manning, Jeanette; Chris Toth; Jeffrey Hunter;
lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>

Subject: Attorneys General Call with EPA Administrator Scott Pruitt

THIS IS BEING SENT TO ALL ATTORNEYS GENERAL, CHIEF DEPUTIES/CHIEFS OF STAFF, AND EXECUTIVE ASSISTANTS

Generals,

Attorney General Rutledge asked me to forward to you the following message:

Recently, Arkansas Attorney General Rutledge had a chance to meet with EPA Administrator Pruitt. One of the topics they discussed was the WOTUS rule. They both thought it would be beneficial for the EPA Administrator to update State Attorneys General on the status of the rule and the process moving forward. Attorney General Rutledge offered to set up and host such a call for the Administrator and the Attorneys General. The 30-minute call will take place at 1:30pm (Eastern Standard Time) on July 13, 2017. If your Attorney General would like to participate, please RSVP to Lee Rudofsky at lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>.

Conference call details will be sent prior to the 13 July date.

V/R

Jim

James E. McPherson
Executive Director
National Association of Attorneys General
2030 M Street, NW, Washington, DC 20036
Ex. 6
Cell: Ex. 6

PLEASE NOTE.....as of 1 July 2017, our new mailing address will be:
1850 M Street, NW
12th Floor
Washington DC 20036

Message

From: Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]
Sent: 7/17/2017 6:05:13 PM
To: Cody Stewart [codystewart@utah.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Call Ex. 6

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Monday, July 17, 2017 2:03 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Call is going straight to voicemail. Should I try a different number?

Sent from my iPhone

On Jul 17, 2017, at 11:38 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Sure! Call Jahan at Ex. 6 as Amy is in the air.
>
> Sent from my iPhone
>
> On Jul 17, 2017, at 1:31 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Perhaps a 1:50 Eastern time call for 10 minutes?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> Ex. 6
>
> On Mon, Jul 17, 2017 at 1:29 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Hey guys- can you all connect with Governor Herbert's office in the next few?

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Monday, July 17, 2017 1:05 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

Message

From: Nephi Cole [nephi.cole@wyo.gov]
Sent: 7/19/2017 2:40:57 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: David Ross [uwdavidross@gmail.com]
Subject: Re: Recommendation for Dave Ross

Ok, sounds good.

On Tue, Jul 18, 2017 at 8:40 PM Bennett, Tate <Bennett.Tate@epa.gov> wrote:
Let's just lay low. No issue based on wording. Reread it. Just reads like a rec letter, which they get 10000 a day of.

Sent from my iPhone

On Jul 18, 2017, at 3:57 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

Tate,

Please see the attached letter regarding Mr. Dave Ross.

---------- Forwarded message ----------
From: **Tatum Soto** <tatum.soto@wyo.gov>
Date: Thu, Jul 13, 2017 at 9:03 AM
Subject: Recommendation for Dave Ross
To: Nephi Cole <nephi.cole@wyo.gov>, Dalena Phipps <dalena.phipps@wyo.gov>

Attached is final letter sent USPS 7/13/17

Tatum

--
Tatum Soto
Executive Assistant to the Governor
Office of Governor Matthew H. Mead
State of Wyoming
2323 Carey Avenue
Cheyenne, WY 82002
Phone: Ex. 6
Email: tatum.soto@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

--
Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Office: Ex. 6
Cell: Ex. 6
Fax: Ex. 6

E-Mail to and from me, in connection with the transaction
of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

<20170710 VF LTR Recommend-Dave Ross for EPA to Barrasso and Carper NC-MHMdp.pdf>

--
Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Offi
Cell: Ex. 6
Fax:

E-Mail to and from me, in connection with the transaction
of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

Message

From: Tom Womack [Tom.Womack@tn.gov]
Sent: 7/7/2017 3:44:32 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: Re: Tennessee Visit to DC

Yes you did. Sorry I may not have responded but that sounds great. Thanks!

Sent from my iPhone

On Jul 7, 2017, at 10:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Not sure if I responded but 3 is good Monday.
>
> On Jul 6, 2017, at 12:27 PM, Tom Womack <Tom.Womack@tn.gov> wrote:
>
> > Tate, thanks so much for the quick response. Is it possible to do 3 p.m. Monday. We are at USDA until 2:30 and that would give us a little extra time to get to your offices. Yes, we would welcome an opportunity to meet with any staff who are available. We may also bring a staff member from the National Association of State Departments of Agriculture if that is okay.
> >
> > Thanks again,
> >
> > <image001.png>
> > **TOM WOMACK** | Deputy Commissioner
> > Department of Agriculture
> > Ellington Agricultural Center
> > 440 Hogan Road, Nashville, TN 37220
> > p. Ex. 6
> > tom.womack@tn.gov
> > www.tn.gov/agriculture
> >
> > *All emails and attachments sent and received from this email address related to the official business of the Tennessee Department of Agriculture are subject to the Tennessee Public Records Act. Unless the content of an email or attachment is subject to a specific exception in the public records act, emails and attachments sent to and from this agency should be presumed to be open to public inspection and maintained pursuant to applicable retention requirements.*
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Thursday, July 06, 2017 11:22 AM
> **To:** Tom Womack
> **Cc:** Larry Maxwell; Cheatham-Strickland, Latonia
> **Subject:** RE: Tennessee Visit to DC
>
> ***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

<image001.png>
TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

All emails and attachments sent and received from this email address related to the official business of the Tennessee Department of Agriculture are subject to the Tennessee Public Records Act. Unless the content of an email or attachment is subject to a specific exception in the public records act, emails and attachments sent to and from this agency should be presumed to be open to public inspection and maintained pursuant to applicable retention requirements.

Message

From: Richardson, RobinH [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2FA5C9EB65DC497C81A8DC9CCDB1FFA7-RICHARDSON, ROBINH]
Sent: 7/17/2017 5:57:19 PM
To: Moore, Susan M [Susan.Moore@nc.gov]
CC: Whichard, Jordan [Jordan.Whichard@nc.gov]; Stallard, Lorea A [lorea.stallard@nc.gov]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]
Subject: Re: EPA

Hi Susan -

Thank you very much for the Governor's letter. I've included Troy, OCIR's Associate Administrator and Tate, OCIR's Sr Deputy Associate Administrator for their awareness, and Jack, Director of State and Intergovernmental Relations and Sven Kaiser, Lead for Water and Toxic issues to work with you to respond to the concerns outlined in the Governor's letter.

Please do not hesitate to reach out to any of us for further assistance.

Best, Robin

Robin H Richardson
PDAA/OCIR
202-564-3358 (desk)
Ex. 6 (cell)
richardson.robinh@epa.gov

> On Jul 17, 2017, at 1:14 PM, Moore, Susan M <Susan.Moore@nc.gov> wrote:
>
> Letter from North Carolina Governor Roy Cooper.
>
>
>
>
>
>
>
> _____
>
> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.
> <img-717125741-0001.pdf>

Message

From: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Sent: 7/25/2017 5:24:47 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Kintner, Lauren [Lauren.Kintner@nebraska.gov]
Subject: Re: July 20 potential instate event?

Tate-

The Governor is on a trade mission to Canada that week. We can be pretty flexible outside that week.

On another note, wanted to make sure you knew Gov Ricketts is planning to be in DC for the RFS hearing

Matt

Sent from my iPhone

On Jul 24, 2017, at 9:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hi Team NE. Any chance we could try to do an instate WOTUS visit in Lincoln at the Capital either August 7 or 10th? Just wanted to circle back on this.
>
> Sent from my iPhone
>
> On Jul 11, 2017, at 7:59 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Thanks for letting me know so quickly! We will catch y'all this fall.
>>
>> Sent from my iPhone
>>
>> On Jul 11, 2017, at 7:56 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>>
>>> Tate-
>>>
>>> It was great getting to finally meet you in person in DC. The Governor is leaving next Tuesday for a vacation with his family and will be out the rest of the week. He could do something Monday but Thursday won't work.
>>>
>>> Thanks
>>>
>>> Matt
>>>
>>> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>>> **Sent:** Tuesday, July 11, 2017 6:36 AM
>>> **To:** Miltenberger, Matt <matt.miltenberger@nebraska.gov>; Kintner, Lauren <Lauren.Kintner@nebraska.gov>
>>> **Subject:** July 20 potential instate event?

Matt/ Lauren-

Pruitt enjoyed his meeting with your boss at the WH the other week!

What are the odds the Governor could do a small, instate WOTUS meeting/ consultation with the Pruitt next week?

We are trying to hit all 50 states and can come to the Capital there. This would not preclude a future visit.

Would be just the Governor, DEQ, Pruitt and relevant Cabinet/ staff. Looking at Thursday the 20th preferably.

Call me if you want to chat this through.

If it doesn't work- no worries.

Tate Ex. 6

Sent from my iPhone

Message

From: Boutilier, Lynn A [Lynn.A.Boutilier@maine.gov]
Sent: 7/19/2017 7:41:31 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Maine/ Dave Ross

Got it! Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, July 19, 2017 3:41 PM
To: Boutilier, Lynn A
Cc: Cory, Preston (Katherine)
Subject: Re: Maine/ Dave Ross

Preston can you provide his resume?

Sent from my iPhone

On Jul 19, 2017, at 1:33 PM, Boutilier, Lynn A <Lynn.A.Boutilier@maine.gov> wrote:

> Would you be able to provide a bio for Dave Ross so that Commissioner Mercer can review it before the call tomorrow? Thank you!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, July 14, 2017 8:58 PM
> **To:** Wagner, Kenneth
> **Cc:** Mercer, Paul; Cory, Preston (Katherine); Boutilier, Lynn A
> **Subject:** Re: Maine/ Dave Ross
>
> Thanks, Ken! We will work on getting a call with Dave set up ASAP. Lynn, perhaps shoot us some days and times that work the Commissioner in the coming days (Will he be at ECOS?).
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 6:13 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
>
>> Tate/Cory:
>>
>> I have copied Paul Merced, who is the Commissioner of the Maine DEP. He and I spoke about setting up a call with Dave Ross who is the Nominee to lead the Office of Water. His email is Paul.mercer@maine.gov and his phone number is Ex. 6 his assistant Lynn is also copied on this email.
>>
>> Paul, thanks for your consideration and please let me know if I can be of help.
>>
>> Ken
>>
>> Kenneth E. Wagner
>> *Senior Advisor to the Administrator*
>> *For Regional & State Affairs*

US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6
wagner.kenneth@epa.gov

On Jul 14, 2017, at 4:43 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Who is the best POC there?
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 8/1/2017 7:50:44 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Nowatzki, Mike [mnowatzki@nd.gov]; Witt, Lyndsay M. [lmwitt@nd.gov]
Subject: RE: Line by line

Here's where we're at so far. Participating in Wednesday AM 60 minutes interview is TBD and being handled by our Comms Director, Mike. Still working on plane or car for transportation logistics; Lyndsay from our team in managing that end. Invites will go out tomorrow to keep close to event but provide enough time for attendees to make arrangements. Let me know what else you need from me and I'll keep you posted as things develop here.

DRAFT

Tuesday AUG 8
8:00 PM: Dinner with Governor Doug Burgman
* Location: 300 Broadway, Fargo, ND (Burgum's Condo) or another location (Mezzaluna or HoDo)

Wed AUG 9: FARGO & GRAND FORKS, NORTH DAKOTA
9:00 AM- 9:25 AM: Live interview with Scott Hennen & Doug Burgum
* Location: 3300 South University Drive, Fargo, ND
* Focus: EPA's Back to Basics Agenda

9:45 AM to 11:00 AM: WOTUS Round Table at NDSU
* Location: NDSU: Approved by NDSU, waiting on number of attendees for final room selection
* Host: Governor Burgum, ND Ag Commissioner Goehring (Federal delegation invited)
* Media Markets: Invited for last 15 minutes for media avail
* Media Attendees: TBD

11:00 AM to 11:15 AM: Post Round Table Media Avail
* Location: NDSU College of Agriculture 1340 Administration Avenue
* Focus:
11:15 AM to 11:30 AM: Pruitt does recorded interview with WDAY-TV's Kevin Wallevand

11:30-12:30 PM: Catered Lunch
* Location: Loretta Building (Burgum's Office) or choosing of governor's office - 210 Broadway, Fargo, ND

12:30 PM- 1:15 PM: Flight with Governor Burgum to Grand Forks: 30 mins

1:45 PM- 4:00 PM (Tour 1:45-2:45p, Round Table 2:45-4:00p):
Tour & Round Table at University of North Dakota's Energy and Environmental Research Center
* Location: 15 North 23rd Street, Grand Forks, ND
* Focus: Energy
* Host: Governor Doug Burgum, PSC Chair Christmann
* Media Market: Grand Forks, Fargo and Bismarck for last 15 minutes of round table
* Media Attendees: TBD
4:00 PM-4:15 PM: Post Round Table Media Avail
* Location: EERC

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, August 1, 2017 2:47 PM
To: Bachmeier, Levi <lebachmeier@nd.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Line by line

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Y'all by chance have a line by line yet?

Sent from my iPhone

Message

From: Cody Stewart [codystewart@utah.gov]
Sent: 7/17/2017 5:41:44 PM
To: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Alan Matheson [amatheson@utah.gov]; Paul Edwards [pauledwards@utah.gov]; Kirsten Rappleye [rappleye@utah.gov]
Subject: Re: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Great. We will call you at the number below in about 10 minutes. Thanks!

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

On Mon, Jul 17, 2017 at 1:39 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:
I'll be on the call as well

Sent from my iPhone

On Jul 17, 2017, at 1:38 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Sure! Call Jahan at Ex. 6 as Amy is in the air.

Sent from my iPhone

On Jul 17, 2017, at 1:31 PM, Cody Stewart <codystewart@utah.gov> wrote:

Perhaps a 1:50 Eastern time call for 10 minutes?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

On Mon, Jul 17, 2017 at 1:29 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey guys- can you all connect with Governor Herbert's office in the next few?

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Monday, July 17, 2017 1:05 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 8/1/2017 7:37:09 PM
To: melanie.loyzim@maine.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=083218e6a44d4b6b857a9a50fdcaa4d4-melanie.loyzim@maine.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Maine/ Dave Ross

Thank you, Melanie!

K. Preston Cory
Special Assistant
Office of the Administrator, Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-1747
C: Ex. 6

From: Loyzim, Melanie [mailto:Melanie.Loyzim@maine.gov]
Sent: Tuesday, August 1, 2017 3:34 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Mercer, Paul <Paul.Mercer@maine.gov>
Subject: RE: Maine/ Dave Ross

Preston,
Here is Commissioner Mercer's statement regarding Dave Ross:
"I believe Mr. Ross' broad experience with states' issues and his collaborative style will enable the U.S. EPA to effectively address the varied water quality needs across our country."

Thank you,
Melanie Loyzim
Deputy Commissioner, Maine Department of Environmental Protection
Ex. 6

From: Mercer, Paul
Sent: Friday, July 21, 2017 7:44 AM
To: Loyzim, Melanie; Madore, David
Subject: Fwd: FW: Maine/ Dave Ross

From: Boutilier, Lynn A
Sent: Friday, July 21, 7:14 AM
Subject: FW: Maine/ Dave Ross
To: Mercer, Paul

fyi

From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Thursday, July 20, 2017 4:36 PM
To: Boutilier, Lynn A
Subject: RE: Maine/ Dave Ross

Hi Lynn,

Thank you for getting the call scheduled today with Commissioner Mercer! I think the conversation with Dave Ross was productive and he said he would be willing to provide a short comment of support. Here is an example below:

Misael Cabrera, Director, Arizona Department of Environmental Quality:

"Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Thank you for your help with this!

Kind regards,

Preston Cory

Message

From: Stallard, Lorea A [lorea.stallard@nc.gov]
Sent: 7/17/2017 9:08:20 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]
Subject: RE: Letter to Pruitt

Thanks so much, Tate. I appreciate it! I mentioned this earlier to Robin, but my boss just asked me about it so I'll ask the whole OCIR Dream Team.

We were hoping to set up a call between the Governor and the Administrator to discuss the GenX issue. Our scheduler gave me the following times - do you think any of them would work for the Administrator?

Thursday 7/20: 4:50-5:30
Friday 7/21: 11:15-11:45
Tuesday 7/25: 11:00-1:00

Thank you -

Lorea

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 17, 2017 4:57 PM
To: Stallard, Lorea A <lorea.stallard@nc.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: Letter to Pruitt

Lorea-

Tate with EPA intergovernmental here. Your letter has been received and we will reach out with any questions.

Hope you are having a great Monday.

Tate

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Message

From: Tom Womack [Tom.Womack@tn.gov]
Sent: 7/10/2017 8:27:16 PM
To: Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]; Larry Maxwell [Larry.Maxwell@tn.gov]
CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Keigwin, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=151baabb6a2246a3a312f12a706c0a05-Richard P Keigwin Jr]
Subject: RE: Contact information

Thanks so much, Chad. We appreciate everyone's time and attention. Be sure to call on us if we can ever be of assistance.

Tom

TN Department of Agriculture

TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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From: Nitsch, Chad [mailto:Nitsch.Chad@epa.gov]
Sent: Monday, July 10, 2017 3:14 PM
To: Tom Womack; Larry Maxwell
Cc: Wagner, Kenneth; Cory, Preston (Katherine); Bennett, Tate; Keigwin, Richard
Subject: Contact information

Tom and Larry,

Following up on our meeting, all of those that participated in the meeting are cc'd, so you have our e-mail addressed. I've also listed our contact numbers. Thanks again for making the time to meet with us and to discuss WOTUS, 319, and dicamba.

Ken Wagner
Tate Bennett
Preston Cory

Ex. 6

Rick Keigwin - Ex. 6

Chad Nitsch
Intergovernmental Relations | State and Regional Partnerships
United States Environmental Protection Agency
202-564-4714

Delivery Report

From: Postmaster@oa.mo.gov [Postmaster@oa.mo.gov]
Sent: 6/26/2017 8:38:49 PM
To: michael.roche@mo.gov
Subject: Undeliverable: WOTUS- Do not forward, please.
Attachments: WOTUS- Do not forward, please.

Your message
To: Bennett, Tate
CC: Cory, Preston (Katherine)
Subject: WOTUS- Do not forward, please.
Sent: 6/26/2017 8:38:45 PM

Delivery has failed to these recipients or groups:

michael.roche@mo.gov
The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: state.mo.us

michael.roche@mo.gov
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##rfc822;michael.roche@mo.gov

Original message headers:

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Received: from ocsemps2.state.mo.us (10.241.42.5) by SDEXHUBP001.state.mo.us
 (10.241.42.20) with Microsoft SMTP Server (TLS) id 14.3.319.2; Mon, 26 Jun
 2017 15:38:49 -0500
Received: from localhost.localdomain (localhost [127.0.0.1]) by
 ocsemps2.state.mo.us (Postfix) with SMTP id 3wxLVz63k5z3kgLrfor
 <michael.roche@mo.gov>; Mon, 26 Jun 2017 15:38:51 -0500 (CDT)
Received: from harrier.mo.gov (momail1.mo.gov [10.245.72.12])by
 ocsemps2.state.mo.us (Postfix) with ESMTPS id 3wxLVz4P5rz3kgLg      for
 <michael.roche@mo.gov>; Mon, 26 Jun 2017 15:38:51 -0500 (CDT)
Received: from pps.filterd (momail1.mo.gov [127.0.0.1])      by momail1.mo.gov
 (8.16.0.17/8.16.0.17) with SMTP id v5QKbrZW010984    for <michael.roche@mo.gov>;
 Mon, 26 Jun 2017 15:38:48 -0500
Received: from gcc01-dm2-obe.outbound.protection.outlook.com
 (mail-dm2gcc01on0111.outbound.protection.outlook.com [23.103.201.111])      by
 momail1.mo.gov with ESMTP id 2b9nfj8mt9-1    (version=TLSv1.2
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 <michael.roche@mo.gov>; Mon, 26 Jun 2017 15:38:48 -0500
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
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 ([fe80::c030:1f3c:2fbf:f3d7%15]) with mapi id 15.01.1178.018; Mon, 26 Jun
 2017 20:38:45 +0000
X-FireEye: Clean
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>
Subject: WOTUS- Do not forward, please.
Thread-Topic: WOTUS- Do not forward, please.
Thread-Index: AdLuuqJ6s18z+8u6RMixdNhhwbd4zA==
Date: Mon, 26 Jun 2017 20:38:45 +0000
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X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: epa.gov; dkim=none (message not signed)
 header.d=none;epa.gov; dmarc=none action=none header.from=epa.gov;
x-originating-ip: [161.80.88.117]
x-ms-publictraffictype: Email
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66006)(33656002)(6862004)(7406005)(790700001)(6506006)(7366002)(2900100001)(66066001)(102
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X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 suspectscore=0
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 adjust=0 reason=mlx scancount=1 engine=8.0.1-1703280000
 definitions=main-1706260340
Return-Path: Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/26/2017 8:38:45 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: WOTUS- Do not forward, please.

All-

Administrator Pruitt could potentially sign a Federal Register notice as early as tomorrow afternoon proposing a rule to repeal the 2015 WOTUS final rule.

Knowing of the importance of this issue to your state/office, we just wanted to flag now so your teams can plan any releases/statements accordingly. We will circle back with an update tomorrow.

Below are a few notes on the FR notice, and please let us know if you have any questions in the meantime.

Best.

Tate Bennett

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Direct : (202) 329-3948

--The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to repeal the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States."

--This action would provide regulatory continuity and certainty in the interim pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States."

--The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

--This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

--The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

--The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

--The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of “waters of the United States” in accordance with the Executive Order.

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 7/7/2017 2:23:45 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Any updates re the 7th?

Thank you for writing to me. Unfortunately I am out of the office, returning Tuesday July 11th. If you need immediate assistance, please call the Governor's main phone line at Ex. 6 Otherwise I will respond to your email upon my return.

Thanks again,

Kyle Roskam

Message

From: Boutilier, Lynn A [Lynn.A.Boutilier@maine.gov]
Sent: 7/19/2017 6:37:18 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Maine/ Dave Ross

Is there a call-in number for this call?

From: Boutilier, Lynn A
Sent: Monday, July 17, 2017 10:03 AM
To: 'Bennett, Tate'; Wagner, Kenneth
Cc: Cory, Preston (Katherine)
Subject: RE: Maine/ Dave Ross

Commissioner Mercer is available any time on Thursday, July 20th, Friday, July 21st or on Tuesday, July 25th between 1:00-2:00, or after 3:00 pm. Please let me know what works best for you.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 8:58 PM
To: Wagner, Kenneth
Cc: Mercer, Paul; Cory, Preston (Katherine); Boutilier, Lynn A
Subject: Re: Maine/ Dave Ross

Thanks, Ken! We will work on getting a call with Dave set up ASAP. Lynn, perhaps shoot us some days and times that work the Commissioner in the coming days (Will he be at ECOS?).

Sent from my iPhone

On Jul 14, 2017, at 6:13 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

> Tate/Cory:
>
> I have copied Paul Merced, who is the Commissioner of the Maine DEP. He and I spoke about setting up a call with Dave Ross who is the Nominee to lead the Office of Water. His email is Paul.mercer@maine.gov and his phone number is Ex. 6. his assistant Lynn is also copied on this email.
>
> Paul, thanks for your consideration and please let me know if I can be of help.
>
> Ken
>
> Kenneth E. Wagner
> *Senior Advisor to the Administrator*
> *For Regional & State Affairs*
> **US Environmental Protection Agency**
> Office: 202-564-1988

Cell: Ex. 6
wagner.kenneth@epa.gov

On Jul 14, 2017, at 4:43 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Who is the best POC there?
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 6/27/2017 10:49:11 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Aug 7

Will do.

Get Outlook for iOS

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Tuesday, June 27, 2017 5:52:22 PM
To: Roskam, Kyle - GOV
Subject: Aug 7

Have some follow up thoughts for the date from the Administrator in case you want to give me a buzz tomorrow?

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Tom Womack [Tom.Womack@tn.gov]
Sent: 7/6/2017 4:26:31 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: RE: Tennessee Visit to DC

Tate, thanks so much for the quick response. Is it possible to do 3 p.m. Monday. We are at USDA until 2:30 and that would give us a little extra time to get to your offices. Yes, we would welcome an opportunity to meet with any staff who are available. We may also bring a staff member from the National Association of State Departments of Agriculture if that is okay.

Thanks again,

TN Department of Agriculture

TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, July 06, 2017 11:22 AM
To: Tom Womack
Cc: Larry Maxwell; Cheatham-Strickland, Latonia
Subject: RE: Tennessee Visit to DC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

TN Department of Agriculture

TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 7/17/2017 8:54:18 PM
To: lynn.a.boutilier@maine.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5363ea24c4ff475c81bdfc22dff94df3-lynn.a.bout]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
Subject: RE: Maine/ Dave Ross

Hi Lynn,

Let's shoot for Thursday around 1PM- I will check in with Dave to make sure that suits! Ken, do you want to be included on the call as well?

Kind regards,
Preston Cory

K. Preston Cory
Special Assistant
Office of the Administrator, Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-1747
C: Ex. 6

From: Boutilier, Lynn A [mailto:Lynn.A.Boutilier@maine.gov]
Sent: Monday, July 17, 2017 10:03 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Maine/ Dave Ross

Commissioner Mercer is available any time on Thursday, July 20th, Friday, July 21st or on Tuesday, July 25th between 1:00-2:00, or after 3:00 pm. Please let me know what works best for you.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 8:58 PM
To: Wagner, Kenneth
Cc: Mercer, Paul; Cory, Preston (Katherine); Boutilier, Lynn A
Subject: Re: Maine/ Dave Ross

Thanks, Ken! We will work on getting a call with Dave set up ASAP. Lynn, perhaps shoot us some days and times that work the Commissioner in the coming days (Will he be at ECOS?).

Sent from my iPhone

On Jul 14, 2017, at 6:13 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

Tate/Cory:

I have copied Paul Merced, who is the Commissioner of the Maine DEP. He and I spoke about setting up a call with Dave Ross who is the Nominee to lead the Office of Water. His email is Paul.mercer@maine.gov and his phone number is Ex. 6 his assistant Lynn is also copied on this email.

Paul, thanks for your consideration and please let me know if I can be of help.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6
wagner.kenneth@epa.gov

On Jul 14, 2017, at 4:43 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Who is the best POC there?
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Cheatham-Strickland, Latonia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E0153E074B9640F1B6AA32CFDA4F4BF9-STRICKLAND,]
Sent: 7/10/2017 6:47:34 PM
To: Tom Womack [Tom.Womack@tn.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]
Subject: RE: Tennessee Visit to DC

Tom,

We are on our way.

Best Regards,

Latonia

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Monday, July 10, 2017 2:45 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: Re: Tennessee Visit to DC

We are at security desk.

Sent from my iPhone

On Jul 7, 2017, at 11:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Not sure if I responded but 3 is good Monday.
>
> On Jul 6, 2017, at 12:27 PM, Tom Womack <Tom.Womack@tn.gov> wrote:
>
> > Tate, thanks so much for the quick response. Is it possible to do 3 p.m. Monday. We are at USDA until 2:30 and that would give us a little extra time to get to your offices. Yes, we would welcome an opportunity to meet with any staff who are available. We may also bring a staff member from the National Association of State Departments of Agriculture if that is okay.
> >
> > Thanks again,
> >
> > <image001.png>
> > **TOM WOMACK** | Deputy Commissioner
> > Department of Agriculture
> > Ellington Agricultural Center
> > 440 Hogan Road, Nashville, TN 37220
> > p Ex. 6
> > tom.womack@tn.gov
> > www.tn.gov/agriculture
> >
> > *All emails and attachments sent and received from this email address related to the official business of the Tennessee Department of Agriculture are subject to the Tennessee Public Records Act. Unless the content of an email or attachment is subject to a specific exception in the public records act, emails and attachments sent to and from this agency should be presumed to be open to public inspection and maintained pursuant to applicable retention requirements.*

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, July 06, 2017 11:22 AM
To: Tom Womack
Cc: Larry Maxwell; Cheatham-Strickland, Latonia
Subject: RE: Tennessee Visit to DC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

<image001.png>
TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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Message

From: Graham, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=26722DFDE5B34925B0AD9A8DD4AFF308-GRAHAM, AMY]
Sent: 7/17/2017 8:50:24 PM
To: Cody Stewart [codystewart@utah.gov]
CC: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Hey Cody - Lincoln mentioned that you all wanted to do a media advisory announcing tomorrow's event. I have some concerns with that. Can you give me a call to discuss? Ex. 6 Thank you!

Sent from my iPhone

On Jul 17, 2017, at 11:38 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Sure! Call Jahan at Ex. 6 as Amy is in the air.
>
> Sent from my iPhone
>
> On Jul 17, 2017, at 1:31 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Perhaps a 1:50 Eastern time call for 10 minutes?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> Ex. 6
>
> On Mon, Jul 17, 2017 at 1:29 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Hey guys- can you all connect with Governor Herbert's office in the next few?
> >
> > **From:** Cody Stewart [mailto:codystewart@utah.gov]
> > **Sent:** Monday, July 17, 2017 1:05 PM
> > **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> > **Subject:** Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

Message

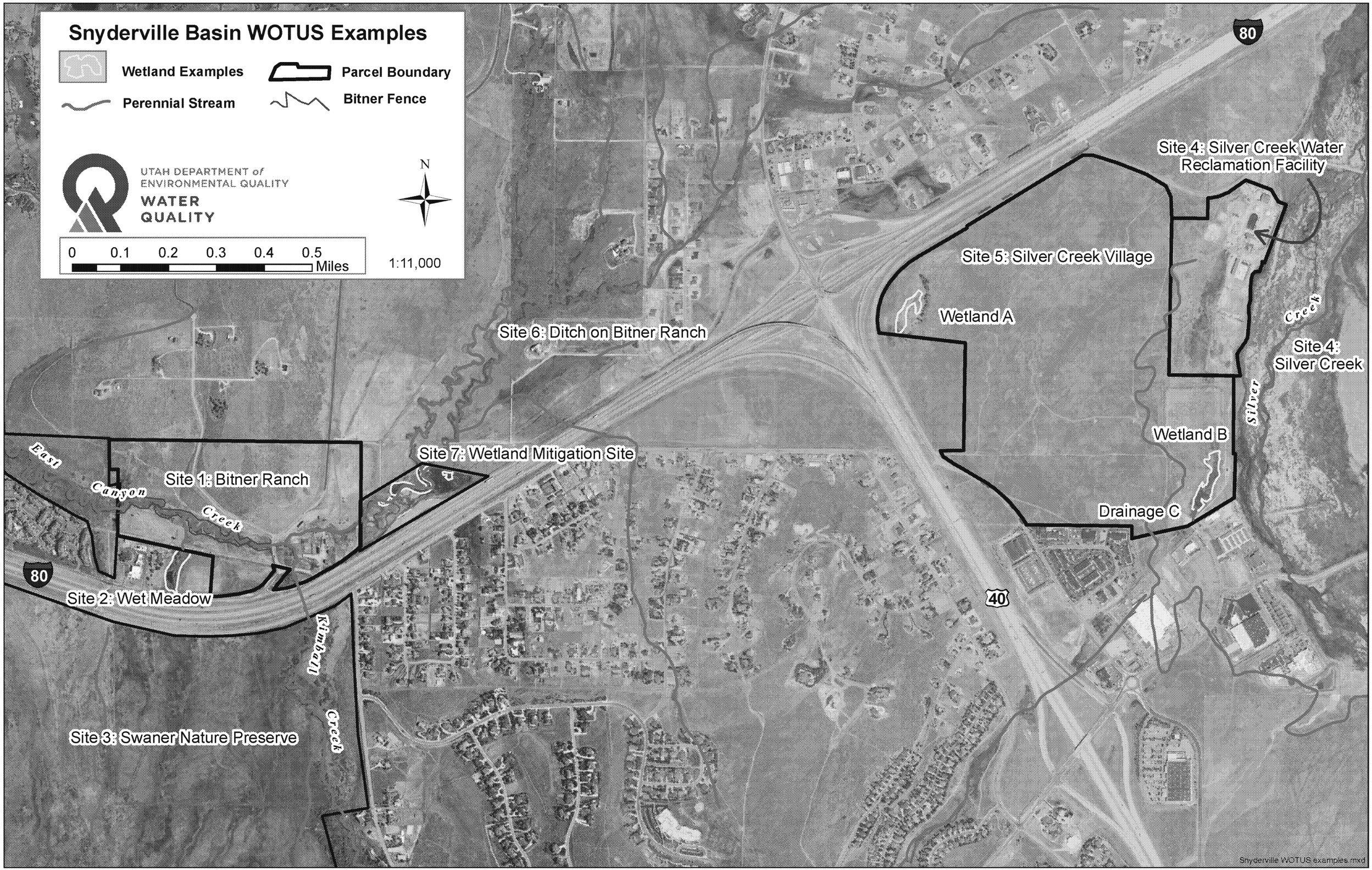
From: Alan Matheson [amatheson@utah.gov]
Sent: 7/14/2017 11:29:36 PM
To: Justin Harding [jharding@utah.gov]; Cody Stewart [codystewart@utah.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
Subject: Fwd: Itinerary for Administrator Pruitt tour
Attachments: ATT00001.htm; WOTUS_Itinerary_PruittTour.pdf; Snyderville WOTUS examples.pdf; ATT00002.htm

I'm forwarding the itinerary and background information for the WOTUS tour with the Administrator on Tuesday. Please let me know if you have any questions or concerns.

Alan Matheson
Executive Director
Utah Department of Environmental Quality
Ex. 6

Begin forwarded message:

> **From:** Erica Gaddis <egaddis@utah.gov>
> **To:** Alan Matheson <amatheson@utah.gov>
> **Subject: Itinerary for Administrator Pruitt tour**
>
> Dear Alan,
>
> Attached is the itinerary and map for the tour of WOTUS with Administrator Pruitt on Tuesday. Please let me know if you have any questions.
>
> Thank you,
> Erica
>
> --
>
> Erica Brown Gaddis, PhD | Director
> Phone: Ex. 6 (office) | Phone: Ex. 6 (cell)
> Address: 195 N 1950 W Salt Lake City, UT 84116
>
> **Website** | **LinkedIn**
>
> *Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.*


Snyderville Basin WOTUS Examples
Wetland Examples
Parcel Boundary
Perennial Stream
Bitner Fence
UTAH DEPARTMENT of ENVIRONMENTAL QUALITY
WATER QUALITY
N
0 0.1 0.2 0.3 0.4 0.5 Miles
1:11,000
80
Site 4: Silver Creek Water Reclamation Facility
Site 5: Silver Creek Village
Wetland A
Site 6: Ditch on Bitner Ranch
Site 4: Silver Creek
Silver Creek
Wetland B
Site 7: Wetland Mitigation Site
Site 1: Bitner Ranch
East Canyon Creek
Drainage C
80
Site 2: Wet Meadow
40
Kimball Creek
Site 3: Swaner Nature Preserve
Snyderville WOTUS examples.mxd

UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
WATER QUALITY

Waters of the US Tour, Summit County, UT

July 18, 2017
8:30 – 10:45 am
Itinerary

8:30 am **Depart Utah State Capitol Parking Lot**

9:20 am **Arrive Bitner Ranch (Site 1)**

Property history and current ranching operations
Bitner Ranch is one of the oldest ranches in Summit County, founded by Milton O. Bitner in the late 1800s. The original ranch included 22,000 acres and the Kimball Hotel, which served as the first stop east of Salt Lake City on the Lincoln Highway. Brian K. Bitner currently runs a ranching operation on the property that includes 7,000 sheep, 25 horses. The family also works the land for alfalfa. The family has deep roots to the land and has used the property to teach generations of kids how to work.

East Canyon Creek
East Canyon Creek, part of the Weber River system, is a jurisdictional water impaired for low dissolved oxygen. Downstream of Bitner Ranch, the East Canyon Water Reclamation Facility treats municipal wastewater to some of the highest levels in Utah. Its discharge to East Canyon Creek represents the majority of the flow in the creek during the summer and was instrumental in the recovery of East Canyon Reservoir.

Riparian restoration project on East Canyon Creek
In 2010, a stream restoration project was installed on Bitner Ranch and adjoining property to reduce stream bank erosion and improve riparian habitat and water quality in East Canyon Creek. The project included fencing, plantings, stream bank stabilization, hardened crossings and watering areas for livestock. The project was funded with a combination of federal and state funds and permitted under a Nationwide 404 permit.

Open pond and meadow wetland tributary to East Canyon Creek (Site 2)
A jurisdictional wetland connected through a small tributary to East Canyon Creek.

9:40 am **Depart Bitner Ranch**

Travel past Swaner Nature Preserve (Site 3)
The Swaner Preserve is a 1,200 acre nature preserve that was created through private donations of land from the Swaner family and other land owners in the area. In 2001, a Federal Wetland Reserve Program easement was established to protect 533 acres of critical wetland habitat on the east side of the preserve.

Silver Creek tributary to Weber River (Site 4)
Silver Creek originates with water flowing out of old mine tunnels in Park City. The Silver Creek Water Reclamation Facility is permitted to discharge treated municipal wastewater to a small tributary to Silver Creek, tributary to Weber River. The facility is currently being upgraded to address issues of growth and to address water quality concerns downstream. Weber River is impounded in several reservoirs that provide irrigation water, drinking water, and recreational and fishing opportunities before flowing into the Great Salt Lake.

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00066969-00001

Silver Creek Village Development (Site 5)
Aquatic resources on this property were assessed by the USACE to determine whether a 404 permit would be needed as part of a planned subdivision.

Wetland A: USACE determined that Wetland A was not jurisdictional under the Rapanos Guidelines due to a lack of significant nexus with the downstream Traditional Navigable Water. Under the 2015 Clean Water Rule, this wetland would again require a significant nexus analysis because it is within 4,000 feet of the ordinary high water mark of Silver Creek and would likely remain a non-jurisdictional wetland.

Wetland B: The USACE determined that Wetland B was jurisdictional through a significant nexus analysis due to a surface hydrologic connection. Under the 2015 Clean Water Rule, this wetland would again require a significant nexus analysis because it is within 4,000 feet of the ordinary high water mark of Silver Creek and would remain a jurisdictional wetland.

Drainage C: This ephemeral stream was previously determined to be jurisdictional through a significant nexus analysis due to a surface hydrologic connection. It is unclear how this drainage would be evaluated under the 2015 Clean Water Rule because its surface hydrologic connection with Silver Creek lacks a continuous ordinary high water mark and bed and bank.

10:00 am **Arrive at Ditch on Bitner Ranch property (Site 6)**
This ditch intercepts water that otherwise flowed to a tributary to East Canyon Creek. Because the ditch delivers perennial flow to East Canyon Creek, it would likely be considered jurisdictional under current rules and the 2015 Clean Water Rule. However, the USACE has not made a formal determination on the status of this ditch.

10:10 am **Arrive at Wetland Mitigation Site (Site 7)**
Wetland and stream restoration at this site provided mitigation for the removal of wetlands in Echo Canyon as part of an expansion of I-80. The project included the removal of two stream crossings and associated fill as well as the restoration of wetland acreage and creation of expanded meanders in the stream.

10:15 am **Depart for Utah State Capitol Building**

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 7/12/2017 7:35:46 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: WI visit

I think I finally have some answers for you. Please give me a call when you can today.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Justin Harding [jharding@utah.gov]
Sent: 7/13/2017 10:40:13 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Alan Matheson [amatheson@utah.gov]; Stewart, Cody [codystewart@utah.gov]
Subject: Re: WOTUS Roundtable invitees

He's been included, per a discussion I had with Alan earlier today. Thanks.

On Jul 13, 2017, at 6:39 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> I think Pruitt's only ask would be to include (in the meeting of principals or all of it preferably) General Reyes.
>
> **From:** Alan Matheson [mailto:amatheson@utah.gov]
> **Sent:** Thursday, July 13, 2017 5:20 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>
> **Subject:** WOTUS Roundtable invitees
>
> You appropriately requested an opportunity to review and approve the invitee list for the Tuesday afternoon WOTUS round table discussion. We have tried to track the direction you provided. Our proposed list is below. Please let me know if any of you have suggestions. We're trying to balance good coverage with transportation and space constraints. We propose that those marked with "*" also attend the tour.
>
> Alan Matheson, UDEQ*
> Erica Gaddis, Director, Division of Water Quality, UDEQ*
> Todd Bingham, President, Utah Manufacture's Assoc.
> Brett Boyce, Utah Homebuilders Assoc.
> Jason Gipson, USACE*
> LuAnn Adams, Commissioner, Utah Dept. of Agriculture and Food*
> Scott Ericson, Deputy Commissioner, UDAF*
> Jay Olsen, Environmental Specialist, UDAF
> Ron Gibson, President, Utah Farm Bureau*
> Chris Ure, Kamas Conservation Dist. Supervisor
> Colby Pace, Summit Conservation Dist. Supervisor*
> Steve Osguthorpe, Sheep rancher, Summit Co.
> Chris Robinson, Chair, Summit County Council, CEO Ensign Ranch*
> Jerrold Richins, Sheep rancher, Summit Co.
> Mark Compton, Utah Mining Assoc.
> Josh Brown, Kennecott
> Lee Peacock, Utah Petroleum Assoc. (and maybe one or two company reps.)
> Sen. Wayne Niederhauser, Senate President (or designee)*
> Rep. Greg Hughes, House Speaker (or designee)*
> Sen. Margaret Dayton, co-chair Water Development Commission
> Rep. Keith Grover, co-chair Water Development Commission
> John Baza, Utah Division of Oil, Gas and Mining
> Mike Styler, Exec. Dir. Dept. of Natural Resources
> Kathleen Clarke, Public Lands Policy Coordinating Office

Rob Simmons, Governor's Office of Energy Development
Dave Ure, Director, State and Institutional Trust Lands Administration
Members of the Governor's staff
Representatives from the congressional delegation offices

Alan

Alan Matheson | Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116
Ex. 6

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Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/9/2017 3:15:25 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: next steps for VTA discussion

Sorry Tate – try again.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phon Ex. 6
(☎) fax: (
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 09, 2017 10:15 AM
To: Williams, Quinn L - DNR
Cc: Dominguez, Alexander
Subject: Re: next steps for VTA discussion

Hey Quinn! We keep getting a busy signal. Is there a better number?

On Jun 8, 2017, at 12:28 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> That would be great!
>
> What times work for all of you?
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6

(☎) fax: Ex. 6
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, June 08, 2017 11:24 AM
To: Williams, Quinn L - DNR
Cc: Greenwalt, Sarah; Bennett, Tate
Subject: RE: next steps for VTA discussion

Thanks Sarah.

Quinn – Looping in Tate as well. We'd be more than happy to set up a call for tomorrow if you would like.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Greenwalt, Sarah
Sent: Wednesday, June 7, 2017 11:26 PM
To: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: next steps for VTA discussion

I am overseas on a work trip and will not return for another few days. If you'd like to discuss tomorrow I would encourage you to contact my senior policy analyst, Alex, who is cc'ed here.

Best,
Sarah

Sent from my iPhone

On Jun 8, 2017, at 1:09 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> You around for a quick call?

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: Ex. 6
(✉) e-mail: quinn.williams@wisconsin.gov
CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, June 07, 2017 11:50 AM
To: Williams, Quinn L - DNR
Subject: Re: next steps for VTA discussion

Thank you for this information.

Sent from my iPhone

On Jun 7, 2017, at 3:01 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> Hi Sarah.
>
> See below. For our ongoing discussions.
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6
> (☎) fax: Ex. 6
> (✉) e-mail: quinn.williams@wisconsin.gov
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notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Crass, David A (22267) [mailto:DACrass@michaelbest.com]
Sent: Tuesday, June 06, 2017 1:39 PM
To: Williams, Quinn L - DNR; Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Quinn: Thank you for forwarding and I apologize my schedule has prevented me from attending the last couple of sessions. We were aware of this letter from Ms. Hyde because Pam and MaryAnne cited it to us--as well as EPA's February 19, 2016 report of the results of the third state enforcement review-- when we first met last Spring to discuss these issues as a basis for the Department's state-wide pronouncements and actions concerning VTAs and calf hutches. I'd ask you to consider the following about those EPA documents as relates to Wisconsin's position and response:

The EPA Documents concern conditions observed at 8 CAFOs in Wisconsin. We have nearly 300 Large CAFOs I believe, meaning the "sample size" was about 0.03%. It was on this sample size that Ms. Hyde's letter is based when she communicates that EPA has "concerns" about whether the effluent limitations for both the federal and state program are being met statewide. However, USEPA's February 2016 report summary simply concludes that there is the "potential for discharge" in the report entries summarized concerning manure storage, feed storage, VTA's, feed lot areas and calf hutch areas:

Category	Findings
Stacking Areas of Manure, bagged feed, used bedding and feed.	5 of 6 facilities were found to be stackin bedding and/or feed in unsuitable areas the potential for runoff into a waterway.
Feed Storage Areas	7 out of 8 facilities had the potential for unauthorized discharges either from no containment, improperly designed, and/ improperly managed feed storage struc
Vegetated Treatment Areas	4 out of the 6 facilities had unauthorized discharges from the VTA.
Feed Lot Areas	2 out of the 2 had problems with inadeq no containment for their feedlot runoff. runoff had the potential to discharge to waters.

Calf Hutch Areas	3 out of 3 had problems with runoff from hutch areas that had the potential to dis to surface waters.

Note with respect to VTAs the report notes "unauthorized discharges" from the production area but does not mention "...to navigable surface waters." All other entries simply mention a "potential" to discharge. Further to that, under the "next steps" column in the summary report, USEPA writes:

> WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of *all wastestreams that have potential to discharge* including production area storm water runoff, feed storage areas, calf hutch area, and vegetated treatment areas.

It is ironic that USEPA would focus on areas of "potential" discharge in Wisconsin when its own effluent guideline and permitting authority only applies to Large CAFOs that have an *actual* discharge to navigable surface waters. See, *Waterkeeper Alliance, Inc. et al v. EPA,* 399 F.3d 486(2d Cir. 2005). WDNR should point out to USEPA that its permitting program is more expansive than USEPA's, since Wisconsin Large CAFOs do not enjoy the option of self-determining that they are a "no-discharge CAFO" and hence do not need a permit and since Wisconsin's program also requires groundwater protection. It seems to us inappropriate and a federal overreach for USEPA to suggest that a properly promulgated and incorporated technical design standard "does not ensure the required level of performance is being achieved" *statewide* when USEPA's own reports suggest only "potential discharges" that would not themselves trigger a permitting requirement under the federal program.

Thank you.

David A. Crass
Partner
Industry Group Chair, Agribusiness, Food & Beverage
T: Ex. 6 | michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----
From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 12:33 PM
To: Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com); Crass, David A (22267)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Williams, Quinn L - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Hello everyone,

For those of you who may not have seen it, please see the attached letter from EPA regarding VTAs from March of 2016 that is relevant to the guidance/discussions.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(() phon Ex. 6
(() fax: (
(() e-mail: quinn.williams@wisconsin.gov
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Message

From: Nephi Cole [nephi.cole@wyo.gov]
Sent: 7/18/2017 8:56:49 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Fwd: Recommendation for Dave Ross
Attachments: 20170710 VF LTR Recommend-Dave Ross for EPA to Barrasso and Carper NC-MHMdp.pdf

Tate,

Please see the attached letter regarding Mr. Dave Ross.

---------- Forwarded message ----------
From: **Tatum Soto** <tatum.soto@wyo.gov>
Date: Thu, Jul 13, 2017 at 9:03 AM
Subject: Recommendation for Dave Ross
To: Nephi Cole <nephi.cole@wyo.gov>, Dalena Phipps <dalena.phipps@wyo.gov>

Attached is final letter sent USPS 7/13/17

Tatum

--
Tatum Soto
Executive Assistant to the Governor
Office of Governor Matthew H. Mead
State of Wyoming
2323 Carey Avenue
Cheyenne, WY 82002
Phone: Ex. 6
Email: tatum.soto@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

--
Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Office: Ex. 6

Cell: Ex. 6
Fax:

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

2323 Carey Avenue
CHEYENNE, WY 82002

Office of the Governor

July 14, 2017

The Honorable John Barrasso
Chairman
Environment & Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510-6175

The Honorable Tom Carper
Ranking Member
Environment & Public Works Committee
456 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso and Ranking Member Carper,

I recommend Dave Ross for the position of Assistant Administrator for the Environmental Protection Agency. I had the pleasure to work with Dave during his tenure with the Wyoming Attorney General. I know his work and character to be exemplary.

Dave came to the Wyoming Attorney General's Office seeking a new adventure and brought with him substantial experience in environmental and natural resources law. My predecessor, Governor Freudenthal, had the opportunity to work with Dave at Crowell & Moring LLP and highly recommended him to Attorney General Michael. It was a recommendation well taken and Wyoming reaped the benefit of his extraordinary talent and skills.

Dave managed many matters of great import to the State. In addition to advising the Wyoming Department of Environmental Quality (WDEQ) on a wide range of issues, Dave initiated internal policy reforms at both the WDEQ and within the Water and Natural Resources Division of the Attorney General's Office. He served as Wyoming's lead counsel in the state's challenge to the Waters of the United States Rule (WOTUS Rule). In this role, he led a coalition of diverse states and obtained favorable results at every stage of the judicial process. He also worked with the United States Army Corps of Engineers to kick-start the cleanup of numerous Atlas missile sites in southeast Wyoming, a process that had been stalled for many years before his arrival. Dave served on the Assumable Waters Subcommittee, where his broad experience, deep knowledge of the law, and measured demeanor were invaluable assets to the subcommittee.

I am pleased that Dave has the opportunity to serve the nation. He is a talented attorney, an excellent advisor, and a person who can get things done. I recommend Dave without reservation for this position. I look forward to working with him again.

Sincerely,

Matthew H. Mead
Governor

PHONE: Ex. 6

FAX: (307) 632-3909

Message

From: Lyon, Kayla [kayla.lyon@iowa.gov]
Sent: 6/26/2017 4:06:53 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Douglas.L.Hoelsche Ex. 6 Stephanie Groen [Stephanie.Groen@iowa.gov]
Subject: Re: Pruitt Iowa event on the 8th

Good morning, Tate!

I would like to include Stephanie Groen on the call too so we are all on the same page. Could we set up a time for a call? Would 2:00 central work tomorrow?

Thanks!
Kayla

On Sun, Jun 25, 2017 at 6:16 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey Kayla! Tate with EPA here. Do you have time to chat about this tomorrow/during the upcoming week? Feel free to give me a shout whenever is convenient. Tate Ex. 6

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Sayer, Matthias, EMNRD [MatthiasL.Sayer@state.nm.us]
Sent: 7/17/2017 4:06:30 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Dave Ross Quote

"We out west are beyond satisfied with the appointment of Mr. Ross as the Assistant Administrator for Water. Mr. Ross has a full understanding of those statutes aimed at protecting our water coupled with a full understanding of how those statutes can and do impact state and local communities. Furthermore, through his boots on the ground experience, Mr. Ross has gained an appreciation for the important role state play, both in the east and dryer west, in protecting our water and understands that it is by working in cooperation with the states that the greatest degree of success in this important program will be achieved."

Do advise if more/less would be better.

Matthias

Matthias Sayer
Deputy Cabinet Secretary
New Mexico Energy Minerals & Natural Resource Department
Office: Ex. 6
Fax: 505.476.3220

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From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 3:29 PM
To: Sayer, Matthias, EMNRD <MatthiasL.Sayer@state.nm.us>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Dave Ross Quote

Deputy Cabinet Secretary-

I wanted to reach out to you regarding a quote for David Ross. Thanks for being willing to help! The following is being used by another state's DEQ and will serve as an example:

"Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Do you think this is something you might be able to provide us with ASAP?

Let me know if you have any questions. My cell is Ex. 6 Feel free to call any time including over the weekend.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Justin Harding [jharding@utah.gov]
Sent: 7/13/2017 10:37:22 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Alan Matheson [amatheson@utah.gov]; Stewart, Cody [codystewart@utah.gov]
Subject: Re: WOTUS Roundtable invitees

Please consider adding Chris Kyler with the Utah Association of Realtors.

Thanks!

On Jul 13, 2017, at 6:23 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> I will take a look but we will like defer to Team Utah on this. Standby.
>
> **From:** Alan Matheson [mailto:amatheson@utah.gov]
> **Sent:** Thursday, July 13, 2017 5:20 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>
> **Subject:** WOTUS Roundtable invitees
>
> You appropriately requested an opportunity to review and approve the invitee list for the Tuesday afternoon WOTUS round table discussion. We have tried to track the direction you provided. Our proposed list is below. Please let me know if any of you have suggestions. We're trying to balance good coverage with transportation and space constraints. We propose that those marked with "*" also attend the tour.
>
> Alan Matheson, UDEQ*
> Erica Gaddis, Director, Division of Water Quality, UDEQ*
> Todd Bingham, President, Utah Manufacture's Assoc.
> Brett Boyce, Utah Homebuilders Assoc.
> Jason Gipson, USACE*
> LuAnn Adams, Commissioner, Utah Dept. of Agriculture and Food*
> Scott Ericson, Deputy Commissioner, UDAF*
> Jay Olsen, Environmental Specialist, UDAF
> Ron Gibson, President, Utah Farm Bureau*
> Chris Ure, Kamas Conservation Dist. Supervisor
> Colby Pace, Summit Conservation Dist. Supervisor*
> Steve Osguthorpe, Sheep rancher, Summit Co.
> Chris Robinson, Chair, Summit County Council, CEO Ensign Ranch*
> Jerrold Richins, Sheep rancher, Summit Co.
> Mark Compton, Utah Mining Assoc.
> Josh Brown, Kennecott
> Lee Peacock, Utah Petroleum Assoc. (and maybe one or two company reps.)
> Sen. Wayne Niederhauser, Senate President (or designee)*
> Rep. Greg Hughes, House Speaker (or designee)*
> Sen. Margaret Dayton, co-chair Water Development Commission
> Rep. Keith Grover, co-chair Water Development Commission
> John Baza, Utah Division of Oil, Gas and Mining
> Mike Styler, Exec. Dir. Dept. of Natural Resources

Kathleen Clarke, Public Lands Policy Coordinating Office
Rob Simmons, Governor's Office of Energy Development
Dave Ure, Director, State and Institutional Trust Lands Administration
Members of the Governor's staff
Representatives from the congressional delegation offices

Alan

Alan Matheson | Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116
Ex. 6

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Message

From: Lee Rudofsky [lee.rudofsky@arkansasag.gov]
Sent: 7/13/2017 3:03:53 PM
To: O'Neal, Melissa [melissa.oneal@maine.gov]
CC: Boak, Scott [Scott.Boak@maine.gov]; Leonna Bias [leonna.bias@arkansasag.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Attorneys General Call with EPA Administrator Scott Pruitt

Leonna:

Please provide to this group the PARTICIPANT CALL IN and the CONFERENCE ID.

Lee

Sent from my iPhone

On Jul 13, 2017, at 7:49 AM, O'Neal, Melissa <melissa.oneal@maine.gov<mailto:melissa.oneal@maine.gov>> wrote:

Lee:

Attorney General Mills has asked Assistant Attorney General Scott Boak to participate in this call. We do now, however, have any of the call-in information. Is this call still happening today? If so, would you kindly forward the call-in information so that Attorney Boak can participate?

Many thanks,
Missy

Melissa A. O'Neal
Executive Assistant to the Attorney General

Office of the Maine Attorney General
Burton Cross Building
SHS# 6
Augusta, ME 04333
Ex. 6 - direct dial
- mobile
Melissa.ONeal@maine.gov<mailto:Melissa.ONeal@maine.gov>

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From: James McPherson [mailto:jmcpherson@NAAG.ORG]
Sent: Wednesday, June 14, 2017 12:19 PM
To: James McPherson
Cc: Manning, Jeanette; Chris Toth; Jeffrey Hunter; lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>
Subject: Attorneys General Call with EPA Administrator Scott Pruitt

THIS IS BEING SENT TO ALL ATTORNEYS GENERAL, CHIEF DEPUTIES/CHIEFS OF STAFF, AND EXECUTIVE ASSISTANTS

Generals,

Attorney General Rutledge asked me to forward to you the following message:

Recently, Arkansas Attorney General Rutledge had a chance to meet with EPA Administrator Pruitt. One of the topics they discussed was the WOTUS rule. They both thought it would be beneficial for the EPA Administrator to update State Attorneys General on the status of the rule and the process moving forward. Attorney General Rutledge offered to set up and host such a call for the Administrator and the Attorneys General. The 30-minute call will take place at 1:30pm (Eastern Standard Time) on July 13, 2017. If your Attorney General would like to participate, please RSVP to Lee Rudofsky at lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>.

Conference call details will be sent prior to the 13 July date.

V/R

Jim

James E. McPherson
Executive Director
National Association of Attorneys General
2030 M Street, NW, Washington, DC 20036
Ex. 6
Cell: Ex. 6

PLEASE NOTE…..as of 1 July 2017, our new mailing address will be:
1850 M Street, NW
12th Floor
Washington DC 20036

Message

From: Lucero, Fran, GOV [Fran.Lucero@state.nm.us]
Sent: 6/26/2017 3:09:12 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Call with Administrator Pruitt Monday?

You are very welcome. I just spoke to Governor Martinez and she will await the call.

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, June 26, 2017 9:04 AM
To: Lucero, Fran, GOV
Cc: DeLaRosa, Megan, GOV; Shimmin, Kaitlyn
Subject: Re: Call with Administrator Pruitt Monday?

Thank you, Fran, for accommodating this request. Appreciate it!

> On Jun 26, 2017, at 10:44 AM, Lucero, Fran, GOV <Fran.Lucero@state.nm.us> wrote:
>
> Ms. Bennett,
> Governor's Cell Phone number for the call is: Ex. 6 Should
> you have any difficulty calling her please reach out to me at
> Ex. 6 or to her Personal Assistant: Megan DelaRosa:
> Fran Lucero
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Friday, June 23, 2017 4:28 PM
> To: Lucero, Fran, GOV
> Cc: DeLaRosa, Megan, GOV; Shimmin, Kaitlyn
> Subject: Re: Call with Administrator Pruitt Monday?
>
> Awesome! Thank you so much
>
>> On Jun 23, 2017, at 6:17 PM, Lucero, Fran, GOV <Fran.Lucero@state.nm.us> wrote:
>>
>> Yes, Governor Martinez will be available to be on a call with the Administrator. I will send you a phone number on Monday (AM), she is travelling to Arizona and we can assure that all is set up by Monday morning.
>>
>> Fran Lucero
>> Scheduler to Governor Susana Martinez
>>
>>
>> -----Original Message-----
>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> Sent: Friday, June 23, 2017 3:44 PM
>> To: Lucero, Fran, GOV
>> Cc: Shimmin, Kaitlyn
>> Subject: Call with Administrator Pruitt Monday?
>>
>> Hi Fran-
>>
>> The EPA Administrator wanted to see if the Governor had 5-10 minutes to chat this Monday in between 5-5:30 PM Eastern. If so, is there a good number or point of contact?
>>
>> Alternatively, if that doesn't work, a policy level call would be great if you could pass along a name and number?
>>
>> Thanks in advance for helping with this request!
>>
>> Tate Bennett
>> U.S. EPA
>> 2023293948
>>

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 7/5/2017 3:20:56 PM
To: rolauf@nd.gov
Subject: Undeliverable: Heads up: proposed RVO's coming today
Attachments: Heads up: proposed RVO's coming today

Your message
To: Bennett, Tate
CC: Cory, Preston (Katherine)
Subject: Heads up: proposed RVO's coming today
Sent: 7/5/2017 3:20:53 PM

Your message to rolauf@nd.gov couldn't be delivered.

When Office 365 tried to send your message, the receiving email server outside Office 365 reported an error.

Bennett.Tate	**Office 365**	**rolauf**
Sender		**Action Required**
		Policy violation or system error

How to Fix It

Check the "Reported Error" from the "Error Details" section shown below for more information about the problem. The error might tell you what went wrong and how to fix it. For example, if the error states that the message was blocked due to a potential virus or because the message was too large, try sending the message again without attachments.

If you're not able to fix the problem, it's likely that only the recipient's email admin can fix it. Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin about the problem. Give them the "Reported Error" from the "Error Details" section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.0.350

The error reported by the receiving server wasn't specific enough to determine the exact nature of the problem. These errors often indicate the message violates a security or policy setting configured on the recipient's email servers.

If the sender is unable to fix the problem by modifying their message, then it's likely a problem that only the recipient's email admin can fix. Try the following:

Check the error for information about the problem - The "Reported Error" returned by the external email server can be found in the "Error Details" section below. This error might tell you what went wrong and provide clues for how to fix it. For example, if the error states the message was rejected due a Sender Policy Framework (SPF) issue, then you'll have to work with your domain registrar to correctly configure your domain's SPF records.

Check the error for information about where the problem is happening - For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

If you can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. For security or policy violation issues, it might be sufficient for them to just add your sending IP addresses or domain to their allowed senders list.

It's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	7/5/2017 3:20:53 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	rolauf@nd.gov
Subject:	Heads up: proposed RVO's coming today

Error Details

Reported error:	*550 5.0.350 Remote server returned an error -> 550 #5.1.0 Address rejected.*
DSN generated by:	BL2PR09MB1073.namprd09.prod.outlook.com
Remote server:	itdmx1.itd.nd.gov

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	7/5/2017 3:20:53 PM	BL2PR09MB0129.namprd09.prod.outlook.com	BL2PR09MB0129.namprd09.prod.outlook.com	mapi
2	7/5/2017 3:20:53 PM	BL2PR09MB0129.namprd09.prod.outlook.com	BL2PR09MB1073.namprd09.prod.outlook.com	Microsoft SMTP Server (cipher=TLS_ECDHE_RSA

Original Message Headers

```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
```

s=selector1-epa-gov;
h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
bh=2mKlClJhxW+iaekAztPY5/3mseWDCbZ/X98bdebnQVw=;

b=YJFlMZkRC9xM/Gp4DCQWbLxt+sYaVEyywuwWghRwxYWVQqNZEtmYu21j9oWHnUSv/5XPwW16iyytnThF90IMgRN
xURMlkY0zwNb6D1pVcprjfl0LARMwFAmHsVEMmOekUApVY2GMsgiOUaKUeNPlN5SjNStd2uVCwlbO8G9Js74=

Received: from BL2PR09MB0129.namprd09.prod.outlook.com (10.255.233.139) by
BL2PR09MB1073.namprd09.prod.outlook.com (10.167.102.137) with Microsoft SMTP
Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_128_CBC_SHA256_P256) id
15.1.1220.11; Wed, 5 Jul 2017 15:20:53 +0000

Received: from BL2PR09MB0129.namprd09.prod.outlook.com
([fe80::a5f7:d5af:7a91:845d]) by BL2PR09MB0129.namprd09.prod.outlook.com
([fe80::a5f7:d5af:7a91:845d%14]) with mapi id 15.01.1240.013; Wed, 5 Jul 2017
15:20:53 +0000

From: "Bennett, Tate" <Bennett.Tate@epa.gov>

To: "Bennett, Tate" <Bennett.Tate@epa.gov>

CC: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>

Subject: Heads up: proposed RVO's coming today

Thread-Topic: Heads up: proposed RVO's coming today

Thread-Index: AdLlokmtaKFK9fd6QkGnI28APBsBWA==

Date: Wed, 5 Jul 2017 15:20:53 +0000

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Accept-Language: en-US

Content-Language: en-US

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X-MS-TNEF-Correlator:

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(UTC)

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/5/2017 3:20:53 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Heads up: proposed RVO's coming today

Administrator Pruitt is likely signing a FR notice proposing 2018 renewable fuel standard volume levels later today. This is so EPA can stay on track to meet the Nov 30th statutory deadline to make the RVO's final for 2018.

Happy to chat further via phone- Ex. 6

-Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Kintner, Lauren [Lauren.Kintner@nebraska.gov]
Sent: 6/19/2017 2:42:02 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Governor Ricketts - WOTUS letter
Attachments: WOTUS comment letter June 2017.pdf

Pete Ricketts
Governor

STATE OF NEBRASKA
OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: Ex. 6 pete.ricketts@nebraska.gov

June 16, 2017

Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Douglas W. Lamont, P.E.
Senior Official Performing
The Duties of the Assistant
Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310-0108

RE: Waters of the United States

Dear Mr. Pruitt and Mr. Lamont:

In response to your letter of May 8, 2017, on behalf of the State of Nebraska, we are submitting these comments on the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (the Corps) forthcoming proposal to revise the Clean Water Rule: Definition of Waters of the United States, Final Rules, 80 Fed. Reg. 37,054 (June 29, 2015).

We appreciate that states and other stakeholders directly impacted by the rule are being contacted for comment. Congress intended that the Clean Water Act ("CWA") "recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution." 33 U.S.C. § 1251(b). Given the importance of water quality to Nebraskans, it is critical that a new rule be developed and implemented which recognizes that states have the primary responsibility for decisions involving the intricacies of land use and water management.

Our state remains concerned about the proposed expanded definition of "Waters of the United States" ("WOTUS") adopted in 2015, both because of its expansive reach and because of the difficulty in determining what water or land may be considered jurisdictional under the existing regulation. That is why Nebraska joined with a majority of states to legally challenge that rule on both procedural and

substantive fronts. We continue to be committed to preserving our authority over our land and water resources.

With those concerns in mind, Nebraska supports a definition of WOTUS that provides for limited federal jurisdiction by adopting a clear and predictable standard for state and federal governmental agencies. This will also benefit those impacted by subsequent regulatory decisions. In addition to the effects on agriculture, uncertainty with regard to jurisdiction can delay critical infrastructure and other important projects.

Justice Scalia's plurality opinion in *Rapanos v. United States*, 547 U.S. 715 (2006) stated that Clean Water Act jurisdiction includes relatively permanent streams and wetlands with a direct surface connection. If properly implemented, this provides a clear, bright-line approach to jurisdictional limits that agencies can apply and the regulated public can readily understand. We support further definition of the term "relatively permanent" in this context. We would expect that, at a minimum, the definition would allow for regional variation. As states are best positioned to understand regional variations, we are ready to be a part of that continuing conversation.

Nebraska, like other states, clearly has the authority to protect waters of the state. Principles announced by Justice Scalia would exclude from federal jurisdiction waters that are properly under state control, such as groundwater, agricultural waters including farm ponds, stock ponds, and irrigation ditches, and man-made dugouts, pits, and ponds used for irrigation where not connected to jurisdictional surface waters. Although these waters fall outside federal jurisdiction, it does not mean that the waters are unregulated – our state regulatory agencies are well-equipped to protect state waters without federal intervention.

We also have several concerns about the recent federal application of the Clean Water Act. Nebraska is a leading agricultural state with an economy that centers heavily on the production of crops and livestock. Specifically, Nebraskans object to the unclear scope of the "normal farming exemption" under 33 U.S.C. § 1344(f)(1).

Finally, we want to emphasize the importance of providing certainty to the regulated public with regard to whether their planned activities would be subject to requirements of the Clean Water Act. As you move forward with rulemaking, we hope you will continue in the spirit of cooperative federalism to solicit input from the states and all stakeholders in developing a limited, clear, and predictable definition of "waters of the United States" which respects the work of states to responsibly manage land and water resources.

Nebraska appreciates your willingness to engage with states to better balance the principles of federalism that are set forth in the United States Constitution.

Thank you for the opportunity to comment.

Sincerely,

Pete Ricketts, Governor
State of Nebraska

Jim Macy, Director
Nebraska Department of Environmental Quality

Gordon W. Fassett, Director
Nebraska Department of Natural Resources

Greg Ibach, Director
Nebraska Department of Agriculture

Message

From: Hoelscher, Douglas L. EOP/WHO [Ex. 6
Sent: 6/27/2017 8:44:13 PM
To: Gage, Taylor [taylor.gage@nebraska.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Dorr, Kaelan K. EOP/WHO [Ex. 6
Subject: RE: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Thanks -- much appreciated -- turning this around is important as it was perhaps the best/worst example of Federal overreach in the last several decades.

From: Gage, Taylor [mailto:taylor.gage@nebraska.gov]
Sent: Tuesday, June 27, 2017 3:39 PM
To: Hoelscher, Douglas L. EOP/WHO <Ex. 6
Subject: FW: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Doug --

Our office just pushed this out.

Best,

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE 402-471-1970
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Gage, Taylor
Sent: Tuesday, June 27, 2017 2:36 PM
To: Gage, Taylor
Cc: Maher, Eric; Kamm, Christin; 'Craig Head'
Subject: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Governor Pete Ricketts
Growing Nebraska for the Next Generation

For Immediate Release:

2:35PM CT on June 27, 2017

Media Contacts:
Taylor Gage, Governor's Office, 402-471-1970
Craig Head, Nebraska Farm Bureau, 402-432-4723
Christin Kamm, Ag Department, 402-471-6856

Media Release:
Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

LINCOLN – Today, Governor Pete Ricketts and Nebraska agriculture and business groups applauded an announcement by Environmental Protection Agency (EPA) Administrator Scott Pruitt that the Trump Administration had finalized the repeal of the 2015 Waters of the U.S. (WOTUS) rule.

"Thank you to President Trump and Administrator Pruitt for delivering on your promise to roll back this job-killing regulation," said Governor Ricketts. "This policy returns federal oversight of intra-state waterways to pre-2015 standards, respects the rights of private land owners and states, and provides for ample protection of clean water. Removing this threat to our state's top industries gives Nebraska the freedom to grow more opportunities for the next generation in the areas of agriculture and manufacturing."

"Today, countless farmers, ranchers, homebuilders, manufacturers, county governments, golf courses, and small businesses are loudly celebrating the demise of EPA's proposed WOTUS rule," said Steve Nelson of Axtell speaking on behalf of the Common Sense Nebraska coalition. "For over two years, our coalition which represents the very industries who would have had to bear the brunt of this federal

land grab, have worked tirelessly to stop this breathtaking assumption of authority by the federal government that flies in the face of Congressional intent, legal precedents, and even science. We want to thank the Trump Administration and EPA Administrator Pruitt specifically for now going back to the drawing board to write a new rule that actually protects water without trampling the rights of businesses and state regulatory agencies."

"I applaud the Trump Administration and Secretary Pruitt's announcement to walk away from the previous administration's WOTUS rule and begin the process to develop a new rule," said Nebraska Department of Agriculture Director Greg Ibach. "The expansive reach and inability to determine what water or land may fall under jurisdiction under the existing regulation puts Nebraska's agriculture industry in jeopardy. Our farmers and ranchers have proven to be thoughtful stewards of our land and resources, and jurisdiction of those resources should be the responsibility of the states. I look forward to the development of a new rule, founded in common sense, that will support Nebraska's ability to protect our water and land resources."

About Common Sense Nebraska

Common Sense Nebraska is a diverse, Nebraska-based coalition consisting of organizations and entities that have united in response to the EPA's "Waters of the U.S." rule, a regulatory proposal that would harm both rural and urban Nebraskans through expansion of the EPA's powers and authorities under the federal Clean Water Act. The coalition's purpose is to build awareness and understanding of the EPA proposal and the impacts it would have on Nebraskans. For more information visit Common Sense Nebraska on Facebook.

Common Sense Nebraska Coalition members include:

AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter
Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association
Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Board
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

###

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE 402-471-1970
CELL 402-499-8351
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

Message

From: Connie Osborne [connie.osborne@wyo.gov]
Sent: 7/14/2017 10:23:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Letter

Great

On Fri, Jul 14, 2017 at 3:58 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Just received!

From: Connie Osborne [mailto:connie.osborne@wyo.gov]
Sent: Friday, July 14, 2017 5:44 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Letter

Tate, I am Todd Parfitt's assistant, did you receive the letter? It might show up as Kyocera since I sent it from our copier.

--

Connie Osborne

Senior Office Support Specialist

Department of Environmental Quality **NOTE NEW ADDRESS**

200 W. 17th St. 4th Floor

Cheyenne, WY 82002

Ex. 6

connie.osborne@wyo.gov

E-Mail to and from me, in connection with the transaction

of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

--

Connie Osborne
Senior Office Support Specialist
Department of Environmental Quality **NOTE NEW ADDRESS**
200 W. 17th St. 4th Floor
Cheyenne, WY 82002
Ex. 6
connie.osborne@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Message

From: Whichard, Jordan [Jordan.Whichard@nc.gov]
Sent: 7/18/2017 1:36:23 PM
To: Stallard, Lorea A [lorea.stallard@nc.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Moore, Susan M [Susan.Moore@nc.gov]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]; Young, Carol S [carol.young@nc.gov]
Subject: RE: EPA

Actually adding Carol!

-----Original Message-----
From: Whichard, Jordan
Sent: Tuesday, July 18, 2017 9:36 AM
To: Stallard, Lorea A <lorea.stallard@nc.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>
Subject: RE: EPA

Thanks Tate.

Adding Carol, the Governor's scheduler here who can best coordinate times for us.

-----Original Message-----
From: Stallard, Lorea A
Sent: Tuesday, July 18, 2017 9:31 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>
Subject: RE: EPA

Thanks!

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, July 18, 2017 9:16 AM
To: Whichard, Jordan <Jordan.Whichard@nc.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>
Subject: Re: EPA

Roping in Maddy but he is on the road the next two weeks so it might be tough to do this week. We will get back to you asap on some times/ days.

Sent from my iPhone

> On Jul 17, 2017, at 8:22 PM, Whichard, Jordan <Jordan.Whichard@nc.gov> wrote:
>
> Robin,
>
> Thank you for sending. We look forward to working with you, and can loop in our experts at NC DEQ as appropriate.

>
> As I believe Lorea mentioned today, Gov. Cooper would like to speak with Administrator Pruitt by phone in the next few days to discuss this matter further. I just wanted to reiterate that request and be sure we were working toward it. I believe the two have a relationship dating back to their days as Attorneys General together.
>
> Thank you all for your help.
>
> Best,
> Jordan
>
>
> D. Jordan Whichard IV
> Director of Intergovernmental Affairs
> Office of Governor Roy Cooper
> 20301 Mail Service Center
> Raleigh, North Carolina 27699-0301
>
> Ex. 6 direct
> mobile
> jordan.whichard@nc.gov
>
>
> Office of the Governor
> governor.nc.gov
>
>
>
>
> -----Original Message-----
> From: Richardson, RobinH [mailto:Richardson.RobinH@epa.gov]
> Sent: Monday, July 17, 2017 1:57 PM
> To: Moore, Susan M <Susan.Moore@nc.gov>
> Cc: Whichard, Jordan <Jordan.Whichard@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
> Subject: Re: EPA
>
> Hi Susan -
>
> Thank you very much for the Governor's letter. I've included Troy, OCIR's Associate Administrator and Tate, OCIR's Sr Deputy Associate Administrator for their awareness, and Jack, Director of State and Intergovernmental Relations and Sven Kaiser, Lead for Water and Toxic issues to work with you to respond to the concerns outlined in the Governor's letter.
>
> Please do not hesitate to reach out to any of us for further assistance.
>
> Best, Robin
>
> ---
> Robin H Richardson
> PDAA/OCIR
> Ex. 6 (desk)
> (cell)
> richardson.robinh@epa.gov
>
>> On Jul 17, 2017, at 1:14 PM, Moore, Susan M <Susan.Moore@nc.gov> wrote:
>>
>> Letter from North Carolina Governor Roy Cooper.
>>
>>
>>
>>
>>
>>
>>
>> _____
>>
>> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.
>> <img-717125741-0001.pdf>
>
> _____
>
> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

_____

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Message

From: Stallard, Lorea A [lorea.stallard@nc.gov]
Sent: 7/18/2017 1:31:24 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Whichard, Jordan [Jordan.Whichard@nc.gov]
CC: Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Moore, Susan M [Susan.Moore@nc.gov]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: RE: EPA

Thanks!

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, July 18, 2017 9:16 AM
To: Whichard, Jordan <Jordan.Whichard@nc.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>
Subject: Re: EPA

Roping in Maddy but he is on the road the next two weeks so it might be tough to do this week. We will get back to you asap on some times/ days.

Sent from my iPhone

> On Jul 17, 2017, at 8:22 PM, Whichard, Jordan <Jordan.Whichard@nc.gov> wrote:
>
> Robin,
>
> Thank you for sending. We look forward to working with you, and can loop in our experts at NC DEQ as appropriate.
>
> As I believe Lorea mentioned today, Gov. Cooper would like to speak with Administrator Pruitt by phone in the next few days to discuss this matter further. I just wanted to reiterate that request and be sure we were working toward it. I believe the two have a relationship dating back to their days as Attorneys General together.
>
> Thank you all for your help.
>
> Best,
> Jordan
>
>
> D. Jordan Whichard IV
> Director of Intergovernmental Affairs
> Office of Governor Roy Cooper
> 20301 Mail Service Center
> Raleigh, North Carolina 27699-0301
>
> Ex. 6 direct
> mobile
> jordan.whichard@nc.gov
>
>
> Office of the Governor
> governor.nc.gov
>
>
>

>
> -----Original Message-----
> From: Richardson, RobinH [mailto:Richardson.RobinH@epa.gov]
> Sent: Monday, July 17, 2017 1:57 PM
> To: Moore, Susan M <Susan.Moore@nc.gov>
> Cc: Whichard, Jordan <Jordan.Whichard@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
> Subject: Re: EPA
>
> Hi Susan -
>
> Thank you very much for the Governor's letter. I've included Troy, OCIR's Associate Administrator and Tate, OCIR's Sr Deputy Associate Administrator for their awareness, and Jack, Director of State and Intergovernmental Relations and Sven Kaiser, Lead for Water and Toxic issues to work with you to respond to the concerns outlined in the Governor's letter.
>
> Please do not hesitate to reach out to any of us for further assistance.
>
> Best, Robin
>
> ---
> Robin H Richardson
> PDAA/OCIR
> 202-564-3358 (desk)
> Ex. 6 (cell)
> richardson.robinh@epa.gov
>
>> On Jul 17, 2017, at 1:14 PM, Moore, Susan M <Susan.Moore@nc.gov> wrote:
>>
>> Letter from North Carolina Governor Roy Cooper.
>>
>>
>>
>>
>>
>>
>>
>> _____
>>
>> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.
>> <img-717125741-0001.pdf>
>
> _____
>
> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

_____

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Message

From: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Sent: 6/9/2017 1:29:01 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: White House, EPA Honor Student Award Winners

Ok...come to desk in lobby they will call up and give you a pass

---

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 9, 2017 9:23 AM
To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Subject: Re: White House, EPA Honor Student Award Winners

Parking. Black dress brown bag

On Jun 8, 2017, at 2:48 PM, Mcbride, Bill (GOV) <mcbrideb@michigan.gov> wrote:

> thanks
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Thursday, June 8, 2017 2:46 PM
> **To:** Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
> **Subject:** FW: White House, EPA Honor Student Award Winners
>
> FYI. See you tomorrow. The link should have the details.
>
> ---
>
> **From:** EPA Press Office [mailto:noreply-subscriptions@epa.gov]
> **Sent:** Thursday, June 8, 2017 2:38 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** White House, EPA Honor Student Award Winners
>
> <~WRD000.jpg>
>
> CONTACT: press@epa.gov
>
> # EPA Announces Student Award Winners
>
> WASHINGTON (June 8, 2017)- The U.S. Environmental Protection Agency (EPA) today announced the winners of the 2016 President's Environmental Youth Award (PEYA). The program recognizes outstanding environmental stewardship projects by K-12 youth. These students demonstrate the initiative, creativity, and applied problem-solving skills needed to tackle environmental problems and find sustainable solutions.
>
> Fifteen projects are being recognized this year, from 13 states: California, Colorado, Connecticut, Florida, Nebraska, New Jersey, Michigan, Pennsylvania, South Carolina, Texas, Utah, Virginia, and Washington.

"Today, we are pleased to honor these impressive young leaders, who demonstrate the impact that a few individuals can make to protect our environment," said **EPA Administrator Scott Pruitt**. "These students are empowering their peers, educating their communities, and demonstrating the STEM skills needed for this country to thrive in the global economy."

Each year the PEYA program honors environmental awareness projects developed by young individuals, school classes (kindergarten through high school), summer camps, public interest groups and youth organizations.

This year's PEYA winners conducted a wide range of activities, such as:

- developing a biodegradable plastic using local agricultural waste product;
- designing an efficient, environmentally friendly mosquito trap using solar power and compost by-product;
- saving approximately 2,000 tadpoles to raise adult frogs and toads;
- implementing a hydroponics and aquaculture project in a high school;
- repurposing over 25,000 books;
- creating an environmental news YouTube channel;
- organizing recycling programs to benefit disaster victims and underserved community members;
- reclaiming and repurposing over 4,000 discarded pencils within their school;
- promoting food waste reduction;
- creating a small, portable tool to prevent air strikes of migratory birds;
- engaging their community in a program to save a threatened bird, the Western Snowy Plover;
- testing grey water to encourage water conservation;
- promoting bee health;
- uniting their schools to address local environmental issues.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young people for protecting our nation's air, water, land and ecology. It is one of the most important ways EPA and the Administration demonstrate commitment to environmental stewardship efforts created and conducted by our nation's youth.

For information on environmental education at EPA, visit:
https://www.epa.gov/education.

R109

<~WRD000.jpg>

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

ADMINISTRATOR SCOTT PRUITT EVENT REQUEST FORM
U.S. Environmental Protection Agency

Deadline for Acceptance:	*Wednesday, June 21, 2017*
Requesting Individual / Affiliation:	*Paul Bailey, President & CEO*
Event Title:	*ACCCE Summer Board Meeting*
Event Date:	*June 29, 2017*
Is the Above Date Flexible:	*No*
Event Time & Duration:	*12:20 pm to 1:30 (Speaking engagement is scheduled for 1 hour at 12:30 pm to 1:30 pm)*
Type of Event:	*Board Meeting*
Purpose of the Event:	*Board Meeting*
Role of the Administrator:	*Keynote Speaker*
Requested Presentation Topic, if Speaking Involved:	*Regulatory reform*
Requested Presentation Format:	*Keynote Speaker*
Speech/Presentation Duration:	*45 to 50 minute speech + questions (1 hour)*
Would You Consider a Surrogate:	*Yes*
Event Location:	*DCI Group, Inc.* *1828 L Street NW, Suite 400, Washington, DC 20036* Ex. 6 *4th Floor*
Event Audience:	*30 to 45 in attendance made up of ACCCE staff, board members, and consultants.*
Event Host(s)/Organizer(s):	*American Coalition for Clean Coal Electricity (ACCCE)*
Host(s)' Relationship to EPA:	*N/A*
Run of Show/ Agenda:	*See agenda below*
Is there a Hold Room Available for the Administrator?	*No. Administrator may join the meeting or wait outside of meeting room in the main sitting area.*

ADMINISTRATOR SCOTT PRUITT EVENT REQUEST FORM
U.S. Environmental Protection Agency

Open Press/Closed Press?	*No press invited*
Dress Code:	*Business dress*
Teleprompter Available:	*No*
Microphone / Room Setup:	*Large board conference table with 25 board members and others lining the room in chairs. Microphones are set up along the center of the conference table.*
Honorable Guests Attending:	*Board members*
Notable Federal, State or Local Appointed or Elected officials attending:	*None*
Individual Introducing Administrator:	*Paul Bailey, President & CEO*
Person to contact for media purposes:	*Michelle Bloodworth, Chief Operating Officer, mbloodworth@americaspower.org, Bus. 202-459-4803* Ex. 6
Is this event held Weekly, Monthly, Annually?	*Annually*
Day of Event Point of Contact:	*Michelle Bloodworth, Chief Operating Officer, mbloodworth@americaspower.org, Bus. 202-459-4803* Ex. 6
Security Contact:	*Carrie Diamond, Executive Assistant at DCI Group, cdiamond@dcigroup.com, Bus. 202-777-3716, cell* Ex. 6 *Katherine Sigler, AVP Operations & HR at ACCCE, ksigler@americaspower.org, Bus. 202-459-4808, cell* Ex. 6
Suggested Entrance/ Exit to Event Venue:	*Front Entrance*
Is the host of the event a registered 501(c)(3), (4), or has a 527 Political Action Committee (PAC):	*501(c)(6) Trade Association*
Will there be a "gift" presented to the Administrator? If so, what is the US currency value of the gift?	*No*

ADMINISTRATOR SCOTT PRUITT EVENT REQUEST FORM
U.S. Environmental Protection Agency

Will a meal be provided, if so what is the US currency value?	*If desired. Lunch is offered at 12 Noon. US Currency value approx. $20.00*

Please return this form completed to scheduling@epa.gov and Sydney Hupp (hupp.sydney@epa.gov).

ADMINISTRATOR SCOTT PRUITT EVENT REQUEST FORM
U.S. Environmental Protection Agency

June 29, 2017

ACCCE BOARD OF DIRECTORS MEETING AGENDA

10:00 am	Call to Order and Welcome
10:15 am	President's Report
11:30 am	Governance
11:45 am	New Business
Noon	Break / Lunch
12:30 pm	Invited Speaker
1:30 pm	Clarity Session
1:45 pm	Adjourn

Message

From: Libby, Lance [Lance.Libby@maine.gov]
Sent: 5/30/2017 6:31:39 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Visit this week?

Sounds good. Thanks.

Lance Libby
Senior Policy Advisor
Office of the Governor
Ex. 6 Office
Mobile

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 2:06 PM
To: Ingram, Sean
Cc: Libby, Lance
Subject: RE: Visit this week?

Awesome. I'm at Ex. 6 whenever you get a chance sometime within the next few weeks, Lance.

Thank you both!

Tate

From: Ingram, Sean [mailto:Sean.Ingram@maine.gov]
Sent: Tuesday, May 30, 2017 2:04 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Libby, Lance <Lance.Libby@maine.gov>
Subject: RE: Visit this week?

Good afternoon,

Unfortunately, we do not have someone in D.C.. Lance Libby (CCed) is Governor LePage's senior advisor for the environment and natural resources, and he would be happy to give you a call sometime.

Sean

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 12:37 PM
To: Ingram, Sean
Subject: Visit this week?

Hi Sean-

Wasn't sure if you have someone located in D.C., but wanted to reach out and see if you had time to discuss some of your boss's priorities this week/ check in. Just let me know?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Clover Adams, Jamie (MDARD) [CloveradamsJ@michigan.gov]
Sent: 6/20/2017 4:42:26 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: WOTUS

Yes. I'm in Ohio but I believe I can call around 3 pm. Will that work?

Get Outlook for Android

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Tuesday, June 20, 2017 11:16:40 AM
To: Clover Adams, Jamie (MDARD)
Subject: WOTUS

Hey Jamie! Can I give you a buzz this afternoon?

Delivery Report

From: Postmaster@oa.mo.gov [Postmaster@oa.mo.gov]
Sent: 6/14/2017 11:54:28 AM
To: natalie.fryrear@mo.gov
Subject: Undeliverable: EPA proposes stays on oil and gas NSPS
Attachments: EPA proposes stays on oil and gas NSPS

Your message
To: Bennett, Tate
Subject: EPA proposes stays on oil and gas NSPS
Sent: 6/14/2017 11:54:25 AM

Delivery has failed to these recipients or groups:

natalie.fryrear@mo.gov
The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: state.mo.us

natalie.fryrear@mo.gov
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##rfc822;natalie.fryrear@mo.gov

Original message headers:

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Received: from ocsemps3.state.mo.us (10.241.42.5) by SDEXHUBP002.state.mo.us
 (10.241.42.21) with Microsoft SMTP Server (TLS) id 14.3.319.2; Wed, 14 Jun
 2017 06:54:27 -0500
Received: from localhost.localdomain (localhost [127.0.0.1]) by
 ocsemps3.state.mo.us (Postfix) with SMTP id 3wnlPW0H0wz2TzMmfor
 <natalie.fryrear@mo.gov>; Wed, 14 Jun 2017 06:54:31 -0500 (CDT)
Received: from harrier.mo.gov (momail1.mo.gov [10.245.72.12])by
 ocsemps3.state.mo.us (Postfix) with ESMTPS id 3wnlPV2s5Fz2TzMl      for
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Received: from pps.filterd (momail1.mo.gov [127.0.0.1])      by momail1.mo.gov
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 <natalie.fryrear@mo.gov>; Wed, 14 Jun 2017 06:54:27 -0500
Received: from gcc01-dm2-obe.outbound.protection.outlook.com
 (mail-dm2gcc01on0108.outbound.protection.outlook.com [23.103.201.108])      by
 momail1.mo.gov with ESMTP id 2b2pchta6y-1    (version=TLSv1.2
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 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
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 15.01.1178.013; Wed, 14 Jun 2017 11:54:25 +0000
X-FireEye: Clean
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: EPA proposes stays on oil and gas NSPS
Thread-Topic: EPA proposes stays on oil and gas NSPS
Thread-Index: AQHS5KazHgRU9iLV60CKJlbb3D7NgqIkQDSQ
Date: Wed, 14 Jun 2017 11:54:25 +0000
Message-ID:
<BY2PR09MB1125ED8F39D47F2003CE0CB196C30@BY2PR09MB1125.namprd09.prod.outlook.com>
References: <F2C33BCE-4CCD-476C-8DF7-D31FE2F5DA0F@epa.gov>
In-Reply-To: <F2C33BCE-4CCD-476C-8DF7-D31FE2F5DA0F@epa.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: epa.gov; dkim=none (message not signed)
 header.d=none;epa.gov; dmarc=none action=none header.from=epa.gov;
x-originating-ip: [161.80.88.117]
x-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
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brKslZV/x6tqseYq6T8zHU7Q37ow=
x-ms-office365-filtering-correlation-id: daecba7c-96af-475d-14a0-08d4b31c1a7d
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66066001)(77096006)(14454004)(189998001)(55016002)(33656002)(72206003)(2900100001)(99286003)(53936002)(8666007)(8936002)(122556002)(6436002)(478600001)(19609705001)(6200100001)(8656002)(966005)(3280700002)(606005)(102836003)(6506006)(81166006)(3846002)(6116002)(790700001)(3660700001)(8676002)(50986999)(25786009)(6862004)(76176999)(54356999)(5660300001)(2906002)(7696004)(2950100002)(7406005)(7736002)(7416002);DIR:OUT;SFP:1102;SCL:1;SRVR:BY2PR09MB1128;H:BY2PR09MB1125.namprd09.prod.outlook.com;FPR:;SPF:None;MLV:sfv;LANG:en;
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X-MS-Exchange-CrossTenant-originalarrivaltime: 14 Jun 2017 11:54:25.0323
 (UTC)
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X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7
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X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:,, definitions=2017-06-
14_03:,,
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 malwarescore=0 phishscore=0 adultscore=0 bulkscore=0 classifier=spam
 adjust=0 reason=mlx scancount=1 engine=8.0.1-1703280000
 definitions=main-1706140202
Return-Path: Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/14/2017 11:54:25 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: EPA proposes stays on oil and gas NSPS

Hi there!

I hope you're doing well today. I wanted to let you know that the EPA is proposing a two-year Stay of Certain Requirements and a 90-day Limited Stay of Certain Requirements of the final 2016 rule "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources." These stays, which follow an initial administrative stay of 90 days, would provide the EPA sufficient time to propose, take public comment, and issue a final action on the issues raised in petitions concerning the specific requirements on which the EPA has granted reconsideration. During this time, the agency also plans to complete its reconsideration process for all remaining issues raised in these reconsideration petitions regarding fugitive emissions, pneumatic pumps, and certification by professional engineer requirements, and intends to look broadly at the entire 2016 rule. Under the proposals, sources would not need to comply with these requirements while the stay is in effect.

For more information, visit: https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notices-about-oil-and-natural-gas. Please feel free to get in touch if you have any questions.

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Connie Osborne [connie.osborne@wyo.gov]
Sent: 7/14/2017 9:47:12 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Letter
Attachments: Dave Ross letter.pdf

On Fri, Jul 14, 2017 at 3:44 PM, Connie Osborne <connie.osborne@wyo.gov> wrote:

Tate, I am Todd Parfitt's assistant, did you receive the letter? It might show up as Kyocera since I sent it from our copier.

--
Connie Osborne
Senior Office Support Specialist
Department of Environmental Quality **NOTE NEW ADDRESS**
200 W. 17th St. 4th Floor
Cheyenne, WY 82002
Ex. 6
connie.osborne@wyo.gov

--
Connie Osborne
Senior Office Support Specialist
Department of Environmental Quality **NOTE NEW ADDRESS**
200 W. 17th St. 4th Floor
Cheyenne, WY 82002
Ex. 6
connie.osborne@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Matthew H. Mead, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

DEQ

Todd Parfitt, Director

July 14, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

RE: Nomination of Dave Ross for Assistant Administrator of Water for the U.S. Environmental Protection Agency

Dear Mr. Pruitt:

On behalf of the Wyoming Department of Environmental Quality (WDEQ), I support the nomination of Dave Ross to serve as the Assistant Administrator of Water for the U.S. Environmental Protection Agency (EPA). The WDEQ is responsible for protecting the quality of Wyoming's surface and ground waters under the Wyoming Environmental Quality Act, and implements federal water quality programs under both the Clean Water Act and the Safe Drinking Water Act. Consequently, it is of great importance and interest to Wyoming that this key position be filled with a strong professional leader with a solid background in water quality programs. Based on my experience working with Mr. Ross coupled with his diverse background and experience in water quality matters, I am confident that Mr. Ross possesses the necessary traits to successfully implement EPA's water programs in a collaborative manner with states.

Mr. Ross has broad and diverse experiences in water quality matters, including working as the State of Wyoming's lead water quality attorney, experience as an environmental consultant working on water reclamation projects in California, and handling many Clean Water Act Section 404 matters in private law practice. His detailed knowledge of the Clean Water Act, combined with his ability to blend policy, science and the law to analyze, formulate and implement solutions to complex issues, proved invaluable to Wyoming. His deep knowledge of water quality issues and his practical experience make him ideally situated to be the Assistant Administrator of Water and to serve and support you and the agency.

Mr. Ross possesses the necessary tools to effectively and appropriately oversee the EPA's Water programs in a fair, balanced and practical way. He has demonstrated the ability to objectively analyze and consider inputs from all points of view and formulate a fair and reasoned approach resulting in clear and concise decisions. One such example includes his key role in facilitating practical and productive dialogue with the United States Army Corps of Engineers to successfully advance remediation efforts at Formerly Used Defense Sites in and around Cheyenne, Wyoming.

Mr. Ross's understanding of the intersection of federal and state law, and on the ground implementation of those laws is key to successful administration of EPA's water programs. As an

200 West 17th Street · Cheyenne, WY 82002 · http://deq.wyoming.gov · Fax (307)635-1784
ADMIN/OUTREACH ABANDONED MINES AIR QUALITY INDUSTRIAL SITING LAND QUALITY SOLID & HAZ. WASTE WATER QUALITY

example, one issue of great importance and interest is the ongoing effort to clarify the definition of Waters of the United States. His direct knowledge of, and involvement in the Assumable Waters Subcommittee would be a tremendous asset in any federal-state dialogue on how to effectively shape future policy and direction in the Section 404(g) program.

Finally, Mr. Ross has demonstrated his clear knowledge and understanding of the appropriate roles of federal, state, local and tribal authorities in implementing water programs. This understanding of the relationship between state and federal partners is a critical attribute as the states and EPA work collaboratively to embrace the key principles of cooperative federalism.

For these reasons, the WDEQ strongly supports the confirmation of Dave Ross as the Assistant Administrator for Water.

Sincerely,

Todd Parfitt
Director

Message

From: Gage, Taylor [taylor.gage@nebraska.gov]
Sent: 7/5/2017 10:44:29 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: FW: Media Release: Gov. Ricketts Comments on EPA RFS Volumes Proposal

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Gage, Taylor
Sent: Wednesday, July 5, 2017 5:43 PM
To: Gage, Taylor
Cc: Maher, Eric
Subject: Media Release: Gov. Ricketts Comments on EPA RFS Volumes Proposal

Governor Pete Ricketts
Growing Nebraska for the Next Generation

For Immediate Release:
5:40PM CT on July 5, 2017

Media Contacts:
Taylor Gage, Ex. 6
Eric Maher, Ex. 6

Media Release:
Gov. Ricketts Comments on EPA RFS Volumes Proposal

LINCOLN – Today, Governor Pete Ricketts, who is also chairman of the Governors' Biofuels Coalition, issued the following statement on the EPA's announcement this afternoon of the proposed renewable volume obligations (RVOs) for 2018 under the Renewable Fuel Standard (RFS).

"Today's announcement shows that the Trump Administration recognizes the important role of ethanol in meeting the fuel needs of Nebraskans and drivers across the country. I commend Administrator Pruitt for the support of the RFS, both for proposing to maintain conventional biofuel requirements at 15 billion gallons and for respecting the timelines established in the RFS. Making the announcement now provides more certainty for Nebraska ethanol producers as they plan for their businesses.

"We also encourage continued support of advanced and cellulosic biofuels in the final 2018 RVO. Ethanol producers and investors across Nebraska and the country are exploring new technologies to produce cellulosic fuels and continue the growth of this important industry."

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Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
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governor.nebraska.gov | Facebook | Twitter

Message

From: Cody Stewart [codystewart@utah.gov]
Sent: 5/30/2017 5:51:41 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Checking in

While I have your attention.....I do have a quick question for you. I'm hearing this morning that a meeting is going to occur this week in Denver regarding some sensitive air issues in Utah's Uintah Basin. This is a long-standing, controversial, and complex issue the state has been wrestling with for several years. From what I understand, tribal and industry reps will be participating in the meeting at EPA, but unfortunately, no state reps are scheduled to be there.

I know this is kind of out of left field but would you mind taking a look into this meeting and seeing if there is a chance the state may be able to participate perhaps via phone?

Thanks!

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

On Tue, May 30, 2017 at 12:28 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey Cody!
>
> Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Herbert's priorities.
>
> Tate
>
> Elizabeth Tate Bennett
>
> Senior Deputy Associate Administrator
>
> Congressional and Intergovernmental Affairs
>
> Office of the Administrator
>
> U.S. Environmental Protection Agency

Message

From: Lauf, Robbie [rlauf@nd.gov]
Sent: 6/6/2017 11:07:36 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

I am traveling abroad with limited access to email until June 14th. If you have any time sensitive requests, please reach out to Levi Bachmeier at Lebachmeier@nd.gov. Thank you!

Message

From: Connie Osborne [connie.osborne@wyo.gov]
Sent: 7/14/2017 9:44:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Letter

Tate, I am Todd Parfitt's assistant, did you receive the letter? It might show up as Kyocera since I sent it from our copier.

--
Connie Osborne
Senior Office Support Specialist
Department of Environmental Quality **NOTE NEW ADDRESS**
200 W. 17th St. 4th Floor
Cheyenne, WY 82002
Ex. 6
connie.osborne@wyo.gov

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Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 6/6/2017 11:07:33 PM
To: james.ross@state.nm.us
Subject: Undeliverable: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations
Attachments: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

Your message
To: Bennett, Tate
CC: Hoelscher, Douglas L. EOP/WHO; Bowles, Jack; Cook-Shyovitz, Becky
Subject: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations
Sent: 6/6/2017 11:07:29 PM

Your message to james.ross@state.nm.us couldn't be delivered.

james.ross wasn't found at state.nm.us, or the mailbox is unavailable.

Bennett.Tate	**Office 365**	**james.ross**
Action Required		Recipient

Unknown To address

How to Fix It

The email address might be misspelled or it might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message -** If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message** - If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of this article. Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.

- **Contact the recipient by some other means,** (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.351

When Office 365 tried to send the message, the external email server returned an error stating that the recipient is unknown or the mailbox is unavailable. This error was reported by an email server outside Office 365.

If you or the sender can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. To determine who the responsible party might be, check the error for information about where the problem is happening. For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

Although the sender might be able to fix the issue by correcting the recipient address, it's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	6/6/2017 11:07:29 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	james.ross@state.nm.us
Subject:	EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

Error Details

Reported error:	*550 5.1.351 Remote server returned unknown recipient or mailbox unavailable -> 550 Invalid recipient <james.ross@state.nm.us> (#5.1.1)*
DSN generated by:	CY1PR09MB1131.namprd09.prod.outlook.com
Remote server:	server-9.tower-76.messagelabs.com

Message Hops

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Original Message Headers


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 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
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From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Hoelscher, Douglas L. EOP/WHO" <Douglas.L.Hoelscher@who.eop.gov>,
        "Bowles, Jack" <Bowles.Jack@epa.gov>, "Cook-Shyovitz, Becky"
        <Cook-Shyovitz.Becky@epa.gov>
Subject: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations
Thread-Topic: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations
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 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/6/2017 11:07:29 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Hoelscher, Douglas L. EOP/WHO [Ex. 6 Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Cook-Shyovitz, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=324db863c4b540d29852c65d352c8b57-Cook-Shyovitz, Becky]
Subject: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations
Attachments: AZ Ducey 6-6-17.pdf

ICYMI- This letter should be headed your Governor's way from Administrator Pruitt. Let me know if you have any questions. Tate

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
June 6, 2017

EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

WASHINGTON – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt sent a letter to governors today to inform them of EPA's efforts related to the National Ambient Air Quality Standards (NAAQS) for ozone promulgated in October 2015. EPA is extending the deadline for promulgating initial area designations, by one year, for the 2015 ozone NAAQS.

"States have made tremendous progress and significant investment cleaning up the air. We will continue to work with states to ensure they are on a path to compliance," **said Administrator Scott Pruitt.**

The National Ambient Air Quality Standard (NAAQS) for ground-level ozone is an outdoor air regulation under the Clean Air Act. As part of the process to determine what areas of the country are able to meet the current air quality standards, states are currently submitting their proposals for area designations under the 70 parts per billion (ppb) standard, which was lowed from 75 ppb in 2015. Areas designated as being in "nonattainment" of the standard face consequences, including: increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses.

EPA is giving states more time to develop air quality plans and EPA is looking at providing greater flexibility to states as they develop their plans. And, pursuant to the language in the recently-enacted FY2017 Omnibus funding bill, Administrator Pruitt is establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard.

Additionally, the Agency is taking time to better understand some lingering, complicated issues so that air attainment decisions can be based on the latest and greatest information. This additional time will also provide the agency time to review the 2015 ozone NAAQS, prior to taking this initial implementation step.

Although the new ozone standard was set on October 1, 2015, there remains a host of complex issues that could undermine associated compliance efforts by states and localities. The Agency is evaluating these issues, primarily focused on:

- Fully understanding the role of background ozone levels;
- Appropriately accounting for international transport,
- And, timely consideration of exceptional events demonstrations.

"We share the goal of clean air, a robust economy and stronger, healthier communities. We are committed to working with states and local officials to effectively implement the ozone standard in a manner that is supportive of air quality improvement efforts without interfering with local decisions or impeding economic growth," **said Administrator Pruitt.**

Since 1980, total emissions of the six principal air pollutants have dropped by 63 percent and ozone levels have declined by 33 percent. Despite the continued improvement of air quality, costs associated with compliance of the ozone NAAQS have significantly increased.

R107

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

E. Scott Pruitt
Administrator

June 6, 2017

The Honorable Doug Ducey
Governor of Arizona
State Capitol
1700 W. Washington Street
Phoenix, AZ 85007

Dear Governor Ducey:

I am writing to update you on the status of the U.S. Environmental Protection Agency's efforts related to the National Ambient Air Quality Standards (NAAQS) for ozone promulgated in October 2015. Pursuant to section 107(d)(1)(B) of the Clean Air Act (CAA), I am extending the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year. I have determined that there is insufficient information, and taking additional time is appropriate in order to consider completely all designation recommendations provided by state governors pursuant to CAA section 107(d)(1)(A) and to rely fully on the most recent air quality data. This additional time will also provide the Agency time to complete its review of the 2015 ozone NAAQS, prior to taking this initial implementation step.

Although the new ozone standard was set on October 1, 2015, there remains a host of complex issues that could undermine associated compliance efforts by states, localities and regulated entities. As part of the review process, the Agency is evaluating these issues primarily focusing on: fully understanding the role of background ozone levels; appropriately accounting for international transport; and, timely consideration of exceptional events demonstrations. Additionally, pursuant to language in the recently-enacted FY 2017 omnibus bill, I have established an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard.

States have made tremendous progress and significant investment cleaning up the air. Since 1980, total emissions of the six principal air pollutants have dropped by 63 percent and ozone levels have declined by 33 percent. Despite the continued improvement of air quality, costs associated with compliance of the ozone NAAQS have significantly increased. I am committed to working with you and your local officials to effectively implement the ozone standard in a manner that is supportive of your air quality improvement efforts, without interfering with local decisions or impeding economic growth.

1200 Pennsylvania Ave. NW • Mail Code 1101A • Washington, DC 20460 • (202) 564-4700 • Fax: (202) 501-1450

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material, chlorine-free-processed and recyclable.

I appreciate the information you and your staff have shared with EPA already as part of this process. I am confident this progress will continue as we work together towards our shared goal of clean air, a robust economy and stronger, healthier communities. If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or (202) 564-4987.

Respectfully yours,

E. Scott Pruitt

Message

From: dalena.phipps@wyo.gov [dalena.phipps@wyo.gov]
on behalf of Kari Gray [kari.gray@wyo.gov]
Sent: 5/16/2017 8:10:29 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Thank you. I'll look forward to meeting you.

On Fri, May 12, 2017 at 7:28 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

--
Kari Jo Gray
Chief of Staff
Matthew H. Mead Governor

E-Mail to and from me, in connection with the transaction
of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 6/14/2017 11:54:26 AM
To: james.ross@state.nm.us
Subject: Undeliverable: EPA proposes stays on oil and gas NSPS
Attachments: EPA proposes stays on oil and gas NSPS

Your message
To: Bennett, Tate
Subject: EPA proposes stays on oil and gas NSPS
Sent: 6/14/2017 11:54:25 AM

Your message to james.ross@state.nm.us couldn't be delivered.

james.ross wasn't found at state.nm.us, or the mailbox is unavailable.

Bennett.Tate	**Office 365**	**james.ross**
Action Required		Recipient

Unknown To address

How to Fix It

The email address might be misspelled or it might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message -** If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message -** If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of this article. Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.

- **Contact the recipient by some other means,** (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.351

When Office 365 tried to send the message, the external email server returned an error stating that the recipient is unknown or the mailbox is unavailable. This error was reported by an email server outside Office 365.

If you or the sender can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. To determine who the responsible party might be, check the error for information about where the problem is happening. For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

Although the sender might be able to fix the issue by correcting the recipient address, it's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	6/14/2017 11:54:25 AM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	james.ross@state.nm.us
Subject:	EPA proposes stays on oil and gas NSPS

Error Details

Reported error:	*550 5.1.351 Remote server returned unknown recipient or mailbox unavailable -> 550 Invalid recipient <james.ross@state.nm.us> (#5.1.1)*
DSN generated by:	BY2PR09MB1128.namprd09.prod.outlook.com
Remote server:	server-7.tower-108.messagelabs.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	6/14/2017 11:54:25 AM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1125.namprd09.prod.outlook.com	mapi

2	6/14/2017 11:54:24 AM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1128.namprd09.prod.outlook.com	Microsoft SMTP Server cipher=TLS_ECDHE_RSA

Original Message Headers


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DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
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From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: EPA proposes stays on oil and gas NSPS
Thread-Topic: EPA proposes stays on oil and gas NSPS
Thread-Index: AQHS5KazHgRU9iLV60CKJlbb3D7NgqIkQDSQ
Date: Wed, 14 Jun 2017 11:54:25 +0000
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X-MS-TNEF-Correlator:
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X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 14 Jun 2017 11:54:25.0323
(UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1128

Message

From: Metzger, Susan [Susan.Metzger@ks.gov]
Sent: 6/19/2017 10:21:40 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: WOTUS Comments from Kansas Governor Sam Brownback

Due to travel and participation in the Midwest Association of the State Departments of Agriculture (MASDA) meeting in Cleveland, OH, I will have limited access to emails during the week of June 19-22.

If you need immediate assistance please call (785) 564-6700.

Message

From: Pfaff, Jessie K. [jkpfaff@nd.gov]
Sent: 7/6/2017 7:58:17 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Reinke, Jody L. [jodyreinke@nd.gov]
Subject: RE: Meeting at EPA

Hi Tate,

Yes that would be great. You can call me at Ex. 6

Thanks!

Jessie Pfaff
Senior Policy Analyst
ND Department of Agriculture
600 East Boulevard Ave
Office. Ex. 6
Cell. Ex. 6
www.nd.gov/ndda/

"This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws."

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, July 05, 2017 4:16 PM
To: Reinke, Jody L. <jodyreinke@nd.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>
Subject: FW: Meeting at EPA

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Team ND! Can I give either of you a shout? Just let me know what number works best?

From: Goehring, Doug C. [mailto:goehring@nd.gov]
Sent: Friday, May 19, 2017 5:45 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; Konkus, John <konkus.john@epa.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>; Reinke, Jody L. <jodyreinke@nd.gov>
Subject: Re: Meeting at EPA

Tate,

Thank you for following up. I have CC'd Jody and Jessie, you can reach out to both of them when trying to reach me or need something.

Doug Goehring
North Dakota Agriculture Commissioner

Phone: Ex. 6
Fax: 701-328-4567
goehring@nd.gov
http://www.nd.gov/ndda

On May 19, 2017, at 8:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi there Commissioner!

I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.

Best.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Wagner, Kenneth
Sent: Friday, May 19, 2017 9:41 AM
To: goehring@nd.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Meeting at EPA

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Clover Adams, Jamie (MDARD) [CloveradamsJ@michigan.gov]
Sent: 5/26/2017 6:01:25 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Contact Assistance

Tate:

The Communication's Officers of State Departments of Agriculture (COSDA) – our departments comms folks – are looking for someone from EPA to be on a panel at their annual meeting in New Orleans this September. My Communication's Director Jen Holton is working on the program for them. Who would you suggest she speak with about this request?

Thanks for your assistance. Have a nice weekend.

Jamie Clover Adams

PURE MICHIGAN Agriculture

Jamie Clover Adams
Director
MI Dept. of Agriculture & Rural Development

Ex. 6 Work
CloveradamsJ@michigan.gov

Message

From: Groen, Stephanie [stephanie.groen@iowa.gov]
Sent: 6/21/2017 3:07:08 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Reynolds/ Iowa

Hey Tate!

Just tried to give you a call but your voicemail is full. Feel free to call me whenever today! I'll be in and out of some meetings but I'm sure we'll be able to connect at some point. Ex. 6

Love the idea of your boss coming to IA to discuss WOTUS!

Stephanie

On Wed, Jun 21, 2017 at 10:32 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey there! I know it's a busy day for y'all, but let me know if you have time to chat on this when things slow down :)

Begin forwarded message:

From: "Hoelscher, Douglas L. EOP/WHO" Ex. 6
Date: June 21, 2017 at 9:17:43 AM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Trainer, Nick A. EOP/WHO" Ex. 6 "Gronewald, Matt" <Matt.Gronewald@Iowaagriculture.gov>
Subject: RE: Reynolds/ Iowa

Hi Tate – will be flying to Iowa with the boss later today.

Good stuff on the WOTUS tour – such a great/terrible example of the previous Administration's federal overreach. Feel free to reach out to Stephanie.Groen@iowa.gov and Kayla.Lyon@iowa.gov in the Governor's office and they will be a great resource to you. I'd also encourage you to reach Matt.Gronewald@IowaAgriculture.gov and Mike.Naig@IowaAgriculture.gov (in Sec. Northey's office).

Finally, would be good for your leg team to coordinate with Grassley and Ernst too and any of the three Republican Members. I'd likely recommend somewhere in Cong. Blum's district but yield to Nic for further guidance.

-Doug

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, June 21, 2017 9:07 AM
To: Hoelscher, Douglas L. EOP/WHO [Ex. 6] Hoelscher, Douglas L. EOP/WHO [Ex. 6]
Cc: Trainer, Nick A. EOP/WHO [Ex. 6]
Subject: Reynolds/ Iowa

Hi friends! Pruitt wants to do a WOTUS tour stop in Iowa (assuming you are there now helping out with today's event) on August 7th. Just wanted to put this on your radar now in case you want to tee up some folks. Other WOTUS tour stops are in SC, ND and AZ, and I can circle back with dates but we would like to invite Purdue to any and all.

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

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Stephanie Groen | Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Kim Reynolds and Lt. Gov. Adam Gregg

202.624.5479 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 7/6/2017 7:59:05 PM
To: mnowatzki@nd.gov; lbachmeier@nd.gov
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: DRAFT - ND Plan

Hey Guys –

We won't want to announce this until we get closer but below is the draft plan for North Dakota. Again this is still a draft but flagging in the event you see any red flags or Mike if there is press I am missing (yes I know I am missing Port, but unless he comes on site, don't know how we do it).

8:00 PM: Dinner with Governor Doug Burgman

- Location: 300 Broadway, Fargo, ND (Burgum's Condo)

RON: Fargo, ND
Hotel Donaldson- 100 Broadway, Fargo, ND

Wed AUG 9: FARGO & GRAND FORKS, NORTH DAKOTA

9:00 AM- 9:25 AM: Live interview with Scott Hennen & Doug Burgum

- Location: 3300 South University Drive, Fargo, ND
- Focus: EPA's Back to Basics Agenda

9:45 AM to 11:00 AM: WOTUS Round Table at NDSU

- Location: NDSU College of Agriculture 1340 Administration Avenue
- Host: Governor Burgum, ND Ag Commissioner Goehring
- Media Markets:
- Media Attendees:

11:00 AM to 11:15 AM: Recorded interview with WDAY-TV's Kevin Wallevand

- Location: NDSU College of Agriculture 1340 Administration Avenue
- Focus:

11:30-12:30 PM: Catered Lunch

- Location: Loretta Building (Burgum's Office) - 210 Broadway, Fargo, ND

12:30 PM- 1:00 PM: ***Flight with Governor Burgum to Grand Forks:*** *30 mins*

1:45 PM- 3:00 PM:
Tour & Round Table at University of North Dakota's Energy and Environmental Research Center

- Location: 15 North 23rd Street, Grand Forks, ND

- Focus: Energy
- Host: Governor Doug Burgum, Senator Hoeven, Congressman Cramer and UND President former Congressman Mark Kennedy (R)
- Media Market: Grand Forks, Fargo and Bismarck
- Media Attendees:

Drive Time: *15 mins*
Depart: *Grand Forks at 6:01 PM* ***Arrive****: Tulsa at 10:36 PM via Delta*

RON: Tulsa, OK

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6
Work Email: wilcox.jahan@epa.gov

Message

From: Matthews, Demond [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DAF7E6EEC58841DF8B3236D8CCC400D6-MATTHEWS, D]
Sent: 6/29/2017 4:32:49 PM
To: jordan@burlingtonvt.gov; rbartlett@peterboroughnh.gov; andy@parkcity.org; Eargle, Frances [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a63fca70ff3944cebf60b10b80a2acb6-FEargle]; Mayor@greensburgks.org; Ex. 6 mayor@burlingtonvt.gov; mayor@hattiesburgms.com; Ex. 6 Ragnew@nmda.nmsu.edu; syanity@stillaguamish.com; rsundberg@co.humboldt.ca.us; jwitte@nmda.nmsu.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=542ee3fee247433d9a6d043d7df73ada-jwitte@nmda]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; eileen.beard@tn.gov; tom.womack@tn.gov; Jai Templeton [Jai.Templeton@tn.gov]; Joyce Jackson [Joyce.Jackson@tn.gov]; clint.mcaffee@parkcity.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=edfbc30d76d141b2a212baef0a37867e-clint.mcaffee@parkcity.org]; Levine, Lacy [llevine@nmda.nmsu.edu]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Stacey.M.Jensen@usace.army.mil; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]; tom.womack@tn.gov
Subject: REMINDER: Small Communities Advisory Subcommittee (SCAS) Teleconference, Thursday, June 29, 1:00-1:50pm EDT : Call in- Ex. 6 code Ex. 6
Attachments: LGAC-WOTUS DRAFT Report 1.2-June27.pdf; SCAS-Agenda-June 29-2017.docx

Good Afternoon,

This is a friendly reminder to inform you that the SCAS will have a public meeting **Thursday, June 29, 1:00-1:50pm EDT.** Topics discuss will be an update of EPA agricultural issues, EPA Updates, Waters of the U.S. (WOTUS) update as well as an opportunity for the public to provide comments. Members will be afforded the opportunity to move on the WOTUS Draft Report to the full LGAC Committee. The call in number is: Ex. 6, code- Ex. 6

Documents are attached.

The LGAC Full Committee meeting will follow the SCAS meeting on Thursday, June 29 at 2:00pm - 3:00pm EDT.

V/r,

DEMOND L. MATTHEWS
Presidential Management Fellow
Small Communities Intergovernmental Liaison
EPA Office of Congressional & Intergovernmental Relations
1200 Pennsylvania Ave NW
Mail Code 1301-A
Washington, DC 20004
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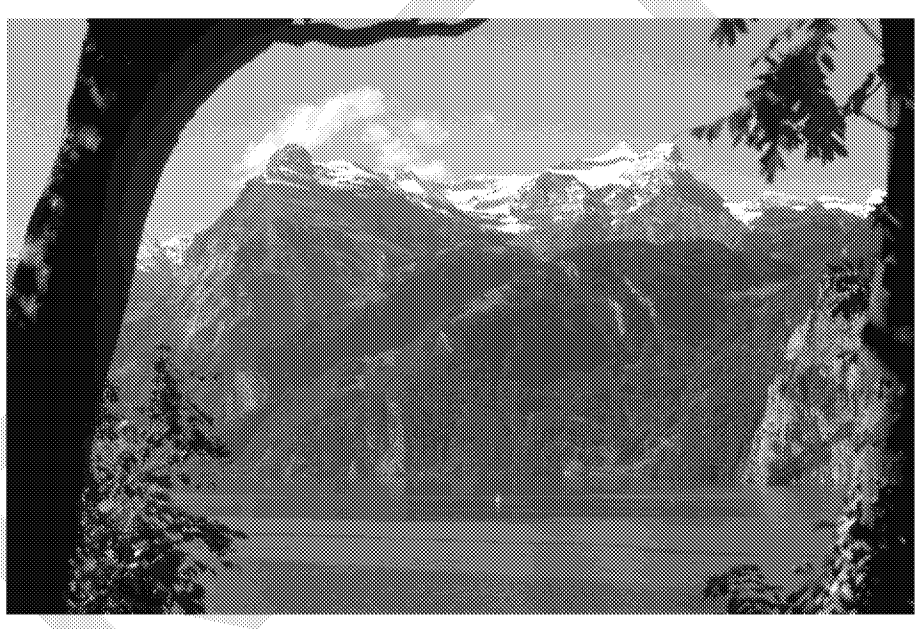
EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE'S



6/27/2017

Waters of the United States 2017 Report

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From the LGAC's Charter, defining general goals:
The LGAC is a policy-oriented committee. To assist the agency in ensuring that its regulations, policies, guidance and technical assistance improve the capacity of local governments to carry out these programs, the LGAC provides advice and recommendations to the EPA Administrator.

"Water is the lifeblood of all our communities and our economic prosperity, and we want to be good stewards of our Nation's water resource for now and the years to come. This is why having a clear and enforceable 'Waters of the U.S.' rule is so important to us. It also is important that it is financially sustainable and does not overreach, but affirms our goals to make our communities a better place to live and work for all of our citizens."

Mayor Bob Dixson,
LGAC Chairman

"Clean, safe and affordable drinking water is a cornerstone of health, recreation and commerce. EPA has a critical role to create a facilitative, cooperative and collaborative regulatory environment in which local, tribal, state and the federal partners work together to protect one of our nation's most important resources."

Susan Hann,
LGAC Water Workgroup Chairwoman

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41 # EPA's Local Government Advisory

42 # Committee's

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44 ## WATERS OF THE UNITED STATES 2017 REPORT

DRAFT

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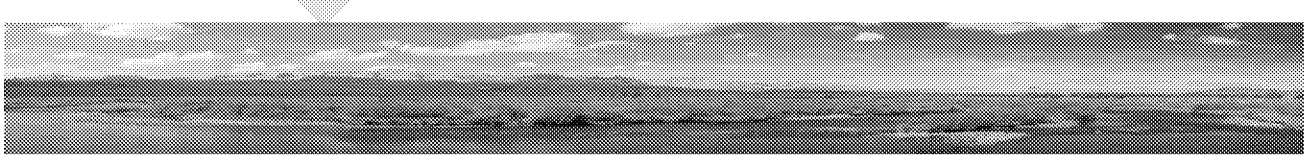

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72 Sawtooth Mountains, South of Stanley, ID-Photo Source: Eric Vance, EPA

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EXECUTIVE SUMMARY

The EPA Administrator issued a compelling charge to the Local Government Advisory Committee that provided an opportunity for local, tribal and state governments to advise the EPA regarding Waters of the United States. The LGAC Waters of the United States Report 2017 provides both policy perspective and specific responses to the charge that can help guide the EPA in moving forward with rulemaking.

Clean, safe and affordable drinking water is vital to the health and prosperity of our communities. As local, state and tribal representatives, the LGAC is committed to this mission in philosophy and action. The report includes several thematic concepts:

- Local, tribal and state governments are partners in the mission to provide and preserve clean, safe and affordable drinking water. We connect with citizens and know our unique communities. Armed with this knowledge, we can act locally in the interest of clean water.
- Clarity and predictability are paramount to success. The lack of clarity and predictability are serious challenges to effectuating any rulemaking process. Clear definitions and criteria are needed for jurisdictional determinations rather than interpretations. Simplifying the jurisdictional determination process is one of the most important steps.
- Flexibility and consideration of regional differences are needed. Several examples of potential regional exemptions are included in the report.
- There are opportunities to enhance state and local roles. Local and state governments want to be engaged and can do so with the appropriate resources through State Assumption of the 404 program or State Programmatic General Permits.
- Regulatory reform should include incentives for best practices including green infrastructure, stormwater management systems, agricultural innovation and other evolving innovations. Exemptions for activities that clearly have a net positive impact need to be considered.
- The permitting process must be more predictable. Jurisdictional determinations of "yes", "no", or "maybe" within a definitive time frame such as 60-90 days would be a tremendous improvement. Technology, including mapping, and other innovations, can improve efficiency and effectiveness. Utilizing the 2008 guidance (with definitional changes) can be a good foundation for jurisdictional determinations.
- Source water protection remains a primary concern as this is the foundation of the nation's drinking water system and health of our communities. Ultimately, a community's ratepayers absorb the cost of treating source water, which can become unmanageable as source water quality deteriorates.
- Affordability is a universal theme heard across the nation. Whether it is the cost of source water treatment, compliance costs and penalties, infrastructure development or a myriad of other costs – the ability of citizens to pay must be considered in the equation. If a community cannot develop an affordable rate structure, then citizens do not truly have access to clean, safe drinking water.

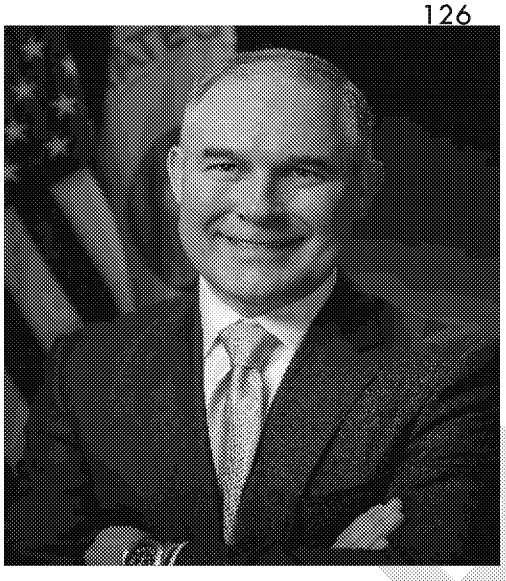
In summary, the LGAC Waters of the United States 2017 report delivers a series of recommendations that can assist EPA in evolving the regulatory framework in a way that collaborates with local governments, improves efficiency and effectiveness and advances the goal of clean, safe and affordable drinking water for our communities.

DRAFT

I. Introduction and Background

A. EPA'S PROPOSED WATERS OF THE U.S. RULE

On February 28, 2017, the President signed the Executive Order on *Restoring the Rule of Law, Federalism, and Economic Growth* by Reviewing the "Waters of the United States" Rule (issued June 2015).[1] The Executive Order gives direction to the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule (CWR) and "publish for notice and comment a proposed rule rescinding or revising the rule." The E.O. also directs that EPA and the Army "shall consider interpreting the term 'navigable waters' in a manner "consistent with Justice Scalia's opinion in *Rapanos* [2] which includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.



The Honorable Scott Pruitt, EPA Administrator

As part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) is providing its recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

On April 10, 2017, EPA Administrator Scott Pruitt sent out a solicitation for input on the forthcoming proposal to rescind and seek input from officials as an important step for the EPA in the process prior to proposing regulations that may have implications on federalism.

> *"We greatly look forward to the opportunity to sit at the table with our state and local partners from across the country to discuss the rule and develop an approach to address this significant issue while keeping States at the forefront of our mission."*
>
> The Honorable Scott Pruitt, Administrator, EPA

The LGAC's charge is also an opportunity to hear from state, local and tribal partners from across the country on approaches to consider for a WOTUS rule and other significant issues to be considered in developing and implementing a revised WOTUS rule.

[1] https://www.whitehouse.gov/the pres-office/2017/02/28/presidential-exeuctive-order-restoring-rule-law-federalism-and-economic
[2] Rapanos v. United States, 547 U.S. 715 (2006) 126 Supreme Court 2208; 165 L.Ed. 2d 159

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: I) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the 6th Circuit stay of that rule, has been the law in place since 1986, and thus maintains the status quo, and 2) promulgation of a revised definition of 'Waters of the U.S.' consistent with direction in the February 28, 2017, E.O.

State Representative Tom Sloan, Kansas

"Our goal is to help the EPA be a better partner with State administrators and policy-makers to better achieve our shared objectives: protecting the waters of the U.S. and protecting the economic interests of Americans."

State Representative Tom Sloan, Kansas

B. COMMITTEE CHARGE

As part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) puts forth our findings and recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

"EPA Administrator Pruitt gave the LGAC a great opportunity to provide broad input not only on proposed rules, but also on their effective implementation. 'Waters of the US' rule is particularly challenging, but the LGAC embraced the charge, by providing our unique perspective to better help clarify, define and protect our important water resources across America." Jeff Witte, Secretary, New Mexico Department of Agriculture

Jeff Witte, Secretary, New Mexico Department of Agriculture

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00067988-00006

168 The LGAC consists of 35 local, state and tribal government elected and appointed officials representing
169 cities, parishes, counties, municipalities, and other local political jurisdictions. Local officials are
170 knowledgeable and provide unique perspectives on issues relating to a revised rule. Further, the LGAC
171 offers balanced views from diverse on-the-ground perspectives.

172 Through a collaborative process, the LGAC was charged to provide Administrator Pruitt with expeditious
173 and meaningful advice relating to a revised "Waters of the U.S." rule. Overall, the goal is to provide
174 recommendations on approaches the EPA should consider when considering a revised rule.

"The City of Aurora Colorado appreciates the EPA's efforts to reach out to local communities to gather comments for potential approaches to the WOTUS rule." ***Council Member Brad Pierce***

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176 Council Member Brad Pierce, Aurora, CO
177
178 This Report highlights our findings and recommendations from our unique local government perspective
179 which will assist the agency in providing insights from this perspective to help shape a revised rule that
180 will better promote cooperative federalism and also provide our perspectives on the best means to
181 communicate a revised rule with state, local and tribal governments.
182

183 C. HISTORICAL PERSPECTIVE

184

185 Congress enacted the Clean Water Act (CWA) in 1972 [33 U.S.C. §§1251 to 1387] to prevent the
186 pollution of waters of the United States, including waters not deemed traditionally "navigable" such as
187 streams, lakes, and wetlands. Since then, the CWA has been instrumental in protecting public health and
188 the environment. However, Supreme Court decisions in 2001 and 2006 interpreted the Clean Water Act
189 in ways that changed the approach for determining whether a water body was protected under the Act.

190 The Supreme Court's decisions shifted focus away from potential effects on interstate commerce, and
191 towards connectivity among waters and potential effects of a water on the integrity of downstream
192 navigable waters. The intent of the proposed rule was to clarify what waters were covered under the
193 Clean Water Act. Following Supreme Court decisions in 2001 and 2006, determining protection for
194 streams and wetlands became more complex. Requests for a rule to provide clarity came from
195 Congressional members, state and local officials, industry, agriculture, environmental groups and the
196 public.

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00067988-00007

In May 2014, the LGAC undertook an extensive analysis and collaboration to provide recommendations to the EPA on the 2015 Waters of the U.S. Rule. The U.S. Environmental Protection Agency and the U.S. Army Corp of Engineers proposed a joint rule (2014) to clarify the definition of "waters of the United States" in the 1972 Clean Water Act. It was published in the Federal Register on April 21, 2014 [79 Fed. Reg. 22,188] with a public comment period that was extended twice. In response to the May 2014 Charge, the LGAC held four face-to- face public meetings from across the country to engage local officials regarding the proposed rule. The goal of these public meetings was to hear input and develop recommendations for the EPA to consider in promulgating a final rule. To engage a wide range of officials, the meetings were held in diverse geographical regions: St. Paul, Minnesota; Atlanta, Georgia; Tacoma, Washington; and Worcester, Massachusetts.

We would like to recognize the efforts of those on LGAC. Your work on the "Waters the U.S." is thoughtful and insightful. On behalf of the NACo, we thank you for your dedication, time and ongoing commitment to these efforts!

Julie Ufner, National Association of Counties (NACo)

The LGAC heard diverse viewpoints from individuals of local, state and tribal representatives. These perspectives were deliberated and incorporated in a Report for the EPA to consider entitled, "*Initial Findings and Recommendations Pertaining to EPA's Clean Water Act Waters of the U.S. Proposed Rule.*"[3]

The LGAC heard many concerns expressed across the country regarding clarity, sufficient time to give input; regulatory delays and the costs (financial and resources) of implementation. Despite some changes to the final rule as a result of the public comments and some LGAC recommendations incorporated, the 2015 final rule still lacked clarity and was contested by states, industry and other organizations. Some members felt that EPA's detailed response to comments would demonstrate to participants that their concerns were heard and acknowledged. Other members felt that the public, and especially those involved in the LGAC public outreach, should have the opportunity to comment on a substantially revised rule. The LGAC concluded that it was (and remains) important to EPA's credibility to be responsive to the concerns of local governments expressed through the public outreach process.

LGAC 2014 Meeting, Atlanta, GA, with Mayor Kasim Reed

[3] https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._report.pdf

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00067988-00008

II. Water and Our Communities

A. Water: Our Nation's Health and Wealth

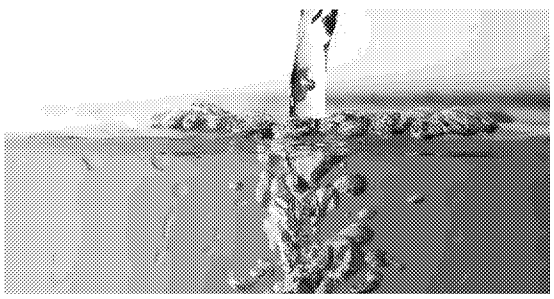
Evening barge trip on the Mississippi River near downtown Saint Paul, MN.
Photo Source: Davin Brandt, Ramsey County, MN

Water resources are the lifeblood for our nation's cities, towns and small rural communities. It is essential for the health, prosperity and security for our citizens and is among the top priorities for us in local governments. As State, local and tribal government partners we desire to manage our water resources so that we have reliable and safe water supplies to create jobs, attract industry and investments, and provide for the health and welfare of citizens. A common understanding of the value of water and how it impacts the health and prosperity of us at the local level is important for governmental decision-making. For example, water infrastructure costs are estimated to be $100 per household per year. For smaller communities, these same costs are $400 to $800 more per year.[4] It is estimated that for every $1 million investment in water infrastructure it supports between 15 and 18 jobs throughout the economy. Therefore, disruption in our nation's water supply could be devastating to communities. Therefore, protections under the Clean Water Act for the 117 million people (one third of Americans) that rely on these waters as part of our public drinking water assets are decisions of public trust and stewardship.

Our communities depend on water for economic progress.

[4] http://www.nerwa.org/gwnews/db212.pdf, The Value of Water and the Water Operator, by Doug Buresh, Circuit Rider #3

Protecting our rivers, lakes, streams and wetlands and keeping them healthy and safe is the responsibility of all levels of government. At the same time costs of treatment should not be transferred directly to rate payer ***- at the tap.***



"One of the most important resources for any community is its water supply. The ability to provide for the future is the ability to provide water for the future. As our city plans ahead, the building of the Cedar Ridge Reservoir is at the heart of our plans. It is imperative we work hand in hand with our federal and state agencies to streamline the permitting processes. The next generation is counting on us."
Mayor Norm Archibald, Abilene, TX

Mayor Norm Archibald, Abilene, TX

B. Local Governments and Cooperative Federalism

The Clean Water Act (CWA) as amended in 1972, established the basic structure for protecting our nation's water resources by regulating pollutant discharges into the waters of the United States. Clean Water Act programs are largely federal, state and tribal programs.

The Clean Water Act applies to "navigable waters," defined in the statute as "Waters of the United States." On February 28, 2017, the President of the United States issued an Executive Order directing EPA and Department of the Army to review and rescind and/or revise the 2015 Rule.

The EPA and the U.S. Army Corps of Engineers are in the process of considering a revised definition of "Waters of the United States" consistent with the Executive Order. Local governments support a straight-forward rulemaking process, inclusive of the tenants of cooperative federalism. This approach acknowledges the shared responsibility of state and local governments in the governance and in the cooperation to work out details of responsibility.

The U.S. Conference of Mayors sincerely appreciates the work of the Local Government Advisory Council (LGAC) for working on the issue of 'Waters of United States' and for providing multiple forums to listen to the concerns of the many parties that have concerns. This rule will have an enormous impact on the nation and it is important that the views of local government are well represented."

Judy Sheahan, Assistant Executive Director
The U.S. Conference of Mayors

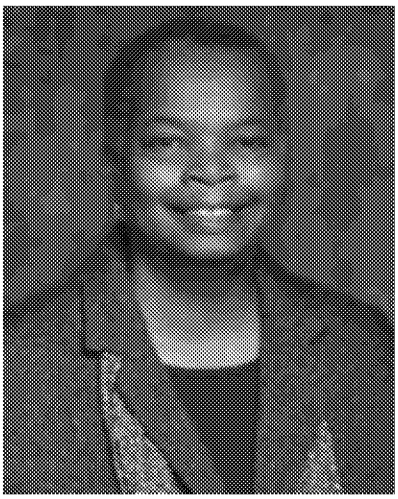
Homestake Reservoir – Pitkin and Eagle Counties, Colorado Photo Source: City of Aurora, CO

The CWA Section 404 is jointly administered by EPA and the Corps of Engineers and regulates discharges of dredged or fill materials into 'Waters of the United States', including wetlands. CWA Section 404 is largely federal with the exception of a small number of State Assumed 404 Programs (Michigan and New Jersey). If empowered, states and tribes could play an increased and more efficient role in managing the program. Local governments too, have a strong role to play and can be key strategic partners in protecting our nation's water resources. Local governments too manage broad water quality protection efforts such as managing stormwater, flood protection and enhanced watershed protection along with protecting the sources of drinking water.

Local governments have the tools to strengthen wetland and stream protection efforts that better support community goals with greater protection for the resource. Integrated Planning (IP) offers municipalities the opportunity to meet multiple Clean Water Act requirements by sequencing separate wastewater and stormwater programs while maximizing investments so that the highest priority projects come first. EPA, states, and municipalities have achieved progress in implementing IP approaches while addressing the most serious water quality issues in order of priority to protect public health and the environment.

In Portland, Maine, we're lucky to have water resources at our door step. Water is vital to our regional economy and way of life. Therefore, our city and regional stakeholders collaborate with state and national partners to ensure we keep our rivers, streams, and bays clean. Everyone plays an important role!

Councilor Jill Duson, Portland, ME



Councilor Jill Duson, Portland, ME and Vice -Chair of LGAC

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"We should be gravely concerned about the minimization of the federal role in the Clean Water Act. Any changes at the federal level must be accompanied by the commitment and action to enhance protection by state and local officials. This requires frank discussion given the financial challenges faced by some local communities and states." Mayor Karen Freeman-Wilson, Gary, IN

321

322 **Mayor Karen Freeman-Wilson, Gary, IN**

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324 ## C. Clarity and Predictability

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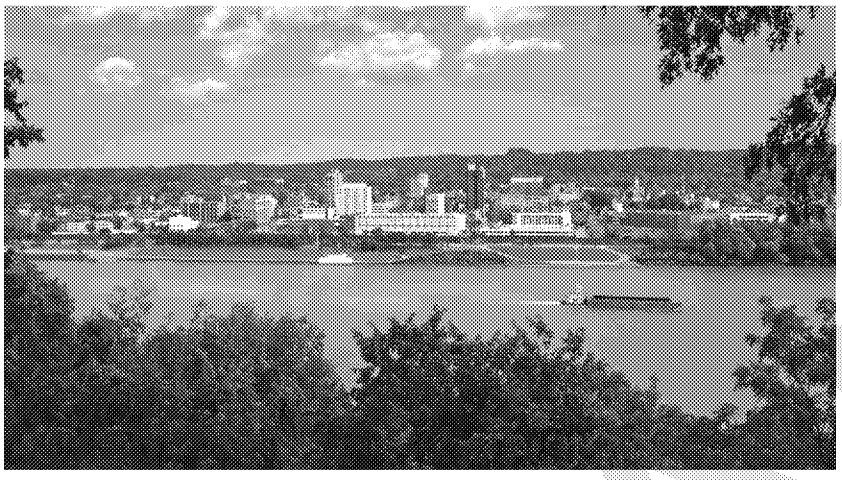
326 A central theme heard by the LGAC in public meetings of state, local and tribal government officials on
327 the 2015 'Waters of the U.S.' rule is that definitions were too broad or confusing and were subject to
328 interpretation through litigation.

"It is very important that we have a clear definition when it comes to WOTUS. Without clear definitions, the costs of doing business rise, and we jeopardize our ability to provide jobs and remain competitive. The LGAC has collected great input from around the Country and I am hopeful to see some positive changes."

Supervisor Ryan Sundberg, Humboldt County, CA

329
330 Supervisor Ryan Sundberg, Humboldt County, CA

Key terms used in the WOTUS rule are vague such as "uplands," "tributary," "floodplain," "significant nexus," "adjacent," and "neighboring" but are also important in defining what waters are jurisdictional. These terms are either broadly defined, or not defined at all which has led to further confusion, not less, over what waters fall within federal jurisdiction. Local governments need a rule that that puts forward clear definitions and provides examples and graphics for further clarity. Without this clarity, it could lead to further unpredictability and result in unnecessary project delays, subjective judgements and inconsistency across the country.



Ohio River, City of Huntington, West Virginia
Photo Source: Huntington Quarterly

D. Flexibility and Regionalization

In formulating a revised 'Waters of the U.S.' rule it should have flexibility and reflect natural and regional variability of our nation's waters. As a basic approach, criteria could be established that recognize natural ecoregions (delineated on the basis of natural and anthropogenic factors) to recognize geographic variability

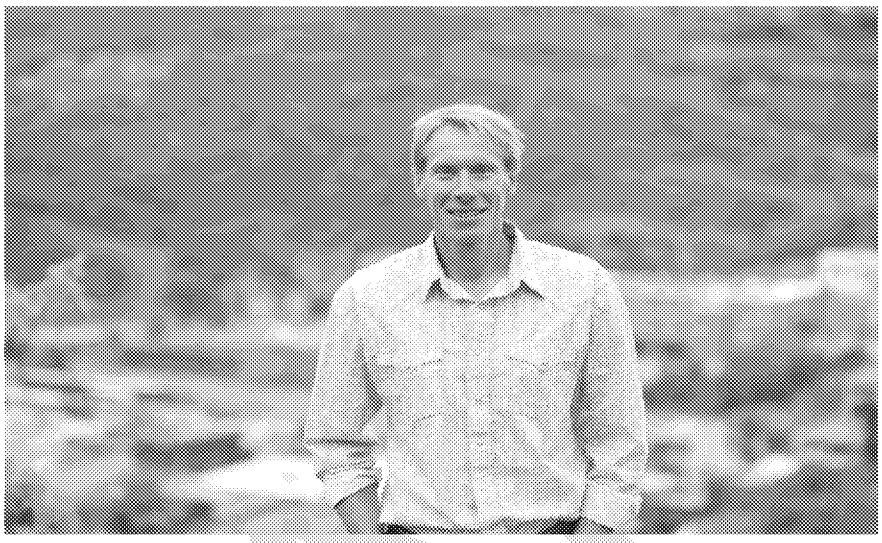
"In the West, water quantity is a challenge, but quality is equally important. Protecting watershed health of the eastern Sierra is crucial to northern Nevada local communities."

Council Member David Bobzien, Reno, NV

Council Member David Bobzien, Reno, NV

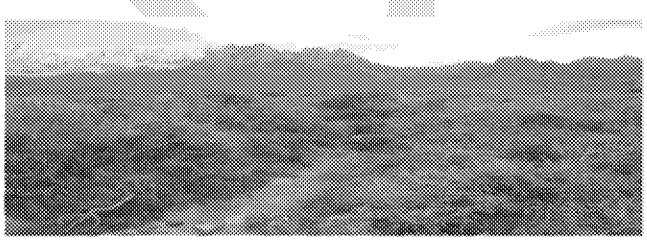
"Park City is a small western community of 8,000 with big water challenges. We work closely with our EPA Region 8 office to help solve our water issues. The EPA is not just a regulatory agency, but is an essential resource to help us address our legacy mining issues and its environmental impacts." **Council Member Andy Beerman, Park City, UT**

among regions. States and tribes should have further input in this process to modify or improve on this basic approach. Workgroups made up of federal, state and local officials could help establish local delineation factors characteristic of these regional water bodies such as western ephemeral streams, and other regional unique wetlands such as pocosins, Carolina bays etc. should be factored.



Council Member Andy Beerman, Park City, UT

Western arid streams may need further regional determinations as to whether these areas are washes and otherwise dry channels characterized by irregular (not seasonal) ephemeral flows or may actually qualify as 'Waters of the United States.' These jurisdictional calls of WOTUS should be the exception rather than the rule. Also, wetlands and streams in the State of Florida also should be considered in separate regional guidance since most of the State could be classified as 'Waters of the U.S.' due to high groundwater tables and surface connections with 'Waters of the U.S.'

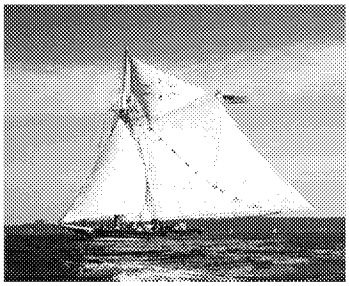


Arroyos are common geographic water features in the arid west. The examples in these photographs are non-permanent, ephemeral waters that only carry water during extreme precipitation events. This is an example of land structures which cause confusion under a one size fits all approach." Image Credit: Dripping Springs Road and Baylor Canyon Road Improvement Project Environmental Assessment, BLM & FHWA, April 2015.

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00067988-00014

E. Enhanced State and Local Government Role

States play a vital role in the protection of wetlands by addressing waters and activities that *are not* regulated under the Section 404 program, or by imposing additional limits on activities that *are* regulated under that program. Pursuant to Section 404(g) of the Clean Water Act, a state can *assume* the authority to issue permits for the discharge of dredged or fill material into waters regulated under the Clean Water Act *other than traditional navigable waters or waters seaward of the high water mark*. See 33 U.S.C. § 1344(g).



Clearwater

Since the passage of the Clean Water Act in 1972, tremendous progress has been made cleaning up America's waterways. Water crises in Flint, MI, Newburgh and Hoosick Falls, New York, remind us: The Clean Water Act is as important today, as it was then. It needs to be clarified, strengthened and enforced. All waters are connected to the water we drink. It's important to the economy, and it's important to each of us". Legislator Manna Jo Greene, Ulster County, NY

Legislator Manna Jo Greene, Ulster County, NY

EPA's regulations also authorize tribes to assume Section 404 permitting authority within their jurisdiction (40 C.F.R. § 233.2). In order to assume the Section 404 permitting program, a state must enact laws and regulations to create a program that meets requirements designed to ensure that the state can administer the Section 404 permitting program as the Corps.

This process could be streamlined and could be incentivized for state assumption. States can play a greater role in the administration of the federal program and streamline permitting for developers in the state through the issuance of State Programmatic General Permits. CWA Section 404(e) authorizes the Corps of Engineers to issue general permits "on a state, regional or

nationwide basis for any category of activities involving discharges of dredged or fill material", if there are only minimal adverse environmental effects.

Local regulation of wetlands in addition to the state and federal programs have many benefits as well. Local decision makers have numerous land use tools available to them that can be more effective at less cost. They can also protect sensitive landscapes valuable to their community, such as with building permits, zoning authority, sanitary and health codes, and soil erosion control.

Back Cove runner, Portland ME. Photo Source: Corey Templeton Photography

F. Scalia Approach: Challenges and Opportunities

Local governments, in general, support a narrow interpretation of the Clean Water jurisdiction. The Scalia opinion applies a narrow interpretation to CWA jurisdiction. Such an interpretation would extend jurisdiction to only "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters. The LGAC puts forth an approach that would yield categorical answers of jurisdiction of *'yes'*, *'no'* or *'maybe'* using criteria such as contained within the 2008 guidance and consistent with the Scalia approach.

"Certainly America's waters must be protected. We should not sacrifice the quality of our streams. However, pragmatism must also be reflected in our regulations. A pristine stream in a desert of economic activity creates an unnecessary tension between the intent to protect our environment and those who simply seek an honorable way to provide for their families. We must always be prepared to balance the scales between environmental protection and economic opportunity." **Mayor Stephen Williams, Huntington, WV**

Mayor Stephen Williams, Huntington, WV

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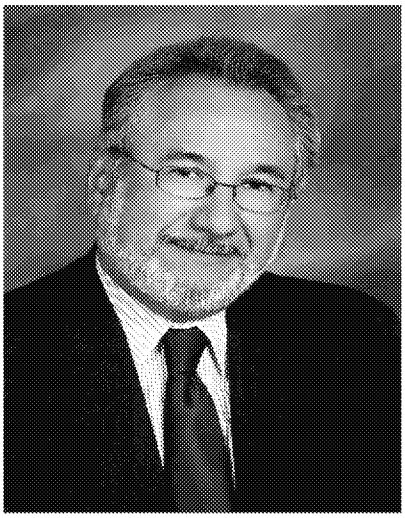
Local governments are also concerned about the assurances that water resources which provide (or potentially provide) our communities' drinking water (source water) are regulated and protected. These significant water bodies form the assets of our water infrastructure and these areas may or may not fall within the Scalia interpretation as "connected to a federal navigable waterway." Local governments would support States and Tribes assisting to identify these significant water bodies by delineating and mapping these significant 'Waters of the State'. These areas once identified should have primacy in decision-making.



"We need to protect our streams and wetlands that are the water source for many of our communities, especially for our EJ communities now and for our future generations. And we need to engage EJ communities to look at local solutions."

Dr. Hector Gonzalez, M.D., Director
City of Laredo Health Department, TX

G. Exemptions

Exemptions for stormwater and green infrastructure are important for local government. Local governments would be supportive of a revised rule that would retain codification of the waste treatment exemption. It should also extend to municipal separate storm sewer systems (MS4s), stormwater ponds,

"Ensuring clean water is vitally important for all Americans. Here in Michigan, we know this story far too well because of the Flint Water Crisis and continuing conversations about how we can ensure access to quality drinking water. The WOTUS rule must be carefully vetted to ensure that each level of government has the tools, resources, and clarity it needs to ensure clean water."

State Representative Stephanie Chang, Michigan

State Representative Stephanie Change, Michigan

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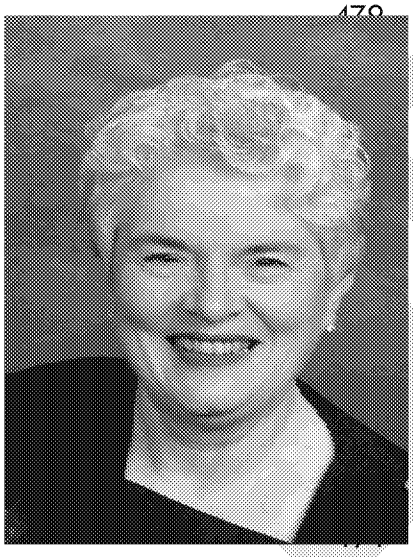
settling basins and recycled water facilities which depend upon artificially created wetlands and storage ponds to treat millions of gallons of water a day. There has also been a major concern of county governments that roadside ditches are also exempt.

"The EPA Local Government Advisory Committee is key to supporting and building the local-federal partnership. The local officials that serve on the LGAC are able to directly share feedback with EPA on rules and regulations and to help shape them to best meet the needs of communities across the country. *" Carolyn Berndt, National League Of Cities*

The revised rule should affirm that reservoirs and ponds along with influent and treated effluent storage ponds are within the scope of the waste treatment exemption, consistent with the regulatory definition of "complete waste treatment system" found in existing federal regulations. This would include features such as storage ponds, basins, artificially created wetlands, recycled water reservoirs and other features associated with water recycling.[5]

H. Permitting Reform

CWA Section 404 permitting is complex and outdated. Agencies' budgets and staffing are overwhelmed and lack resources to respond to individual permits. At the same time, the private sector confronts time-consuming requirements that pose significant delays and economic burdens.



"It's not just about getting a permit done quickly. It's about why you have the permit in the first place. As long as we keep in mind that it's about our environment, and it's about our water, we can implement that in any way we choose."

Commissioner Victoria Reinhardt, Ramsey County, MN.

Commissioner Victoria Reinhardt, Ramsey County, MN

[5] 1 See 40 C.F.R. §35.2005(b)(12), defining "complete waste treatment system" as "all the treatment works necessary to meet the requirements of title III of the [CWA], involving . . . the ultimate disposal, including recycling or reuse, or from the treatment process."

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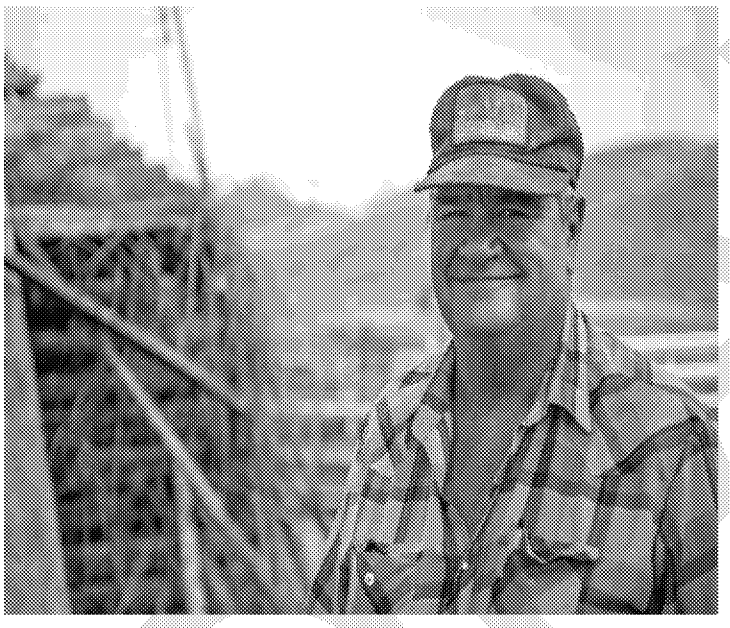
Permitting can be made more efficient and more effective. For example, permitting can be done more efficiently and in less time (less than 90 days). It can also be more flexible, decentralized and integrated with community goals. Local governments would be generally in favor of the State Assumption of the 404 program. Also, further consideration of General Permits and mapping would aid in permitting reform.

I. Agriculture and Rural Communities

Agriculture and rural communities have expressed concerns about the 'Waters of the U.S'. Most of the concern of the 2015 rule has been whether it would modify existing statutory provisions that exempt "normal farming and ranching" practices from dredge and fill permitting or others that exclude certain agricultural discharges, such as irrigation return flow and stormwater runoff, from all CWA permitting. The other key area of concern was the confusion whether or not ditches were exempt.



"The Small Community Advisory Subcommittee (SCAS) received many great comments from across the nation, particularly as the issue applies to agriculture and small communities. We have done our best to incorporate them into our recommendations, and hope we can help to formulate a clean water rule that can work across the nation."

Commissioner Dr. Robert Cope, DVM Salmon, ID, Chair of Small Community Advisory Subcommittee

Commissioner Dr. Robert Cope, DVM, Salmon, ID,
Chair of the Small Community Advisory Subcommittee (SCAS)

Normal agricultural and silvicultural practices are exempt but the interpretive rule issued in 2014 (later rescinded) to clarify the 56 practices that are exempt from CWA Section 404 permitting was very confusing to the agricultural community. Another issue for rural communities is the National Pollutant Discharge and Elimination System (NPDES) permitting for application of pesticides and herbicides in WOTUS. Also, there is a concern that 'prior converted croplands' which are exempt if they are certified by NRCS, it should also be exempt from wetland regulations administered by the Army Corps of Engineers and EPA (Section 404 of the Clean Water Act).

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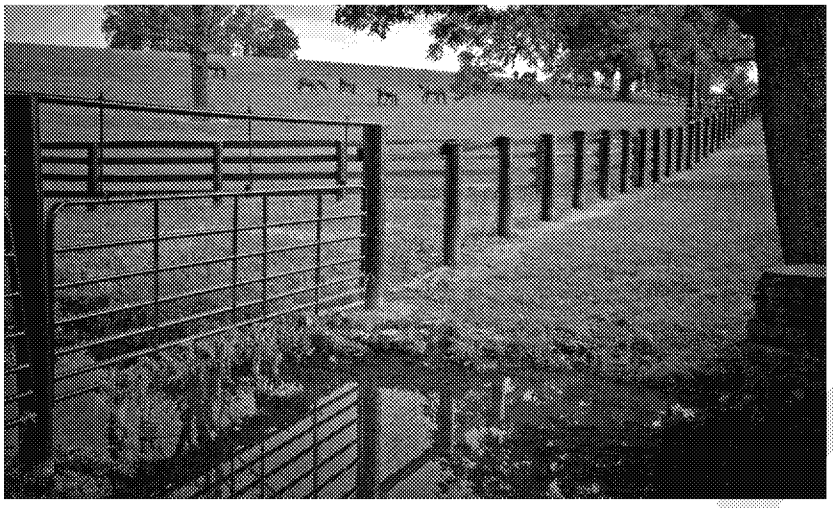

However, if the land changes to a non-agricultural use, or is abandoned, according to the criteria established by the Corps and EPA, it may be regulated under the CWA. These issues combined with the complexity of the WOTUS and the role of the NRCS poses significant issues for the agricultural sector and rural communities.

550 **Fencing Livestock, Lexington, KY-Photo Source, Eric Vance, EPA**

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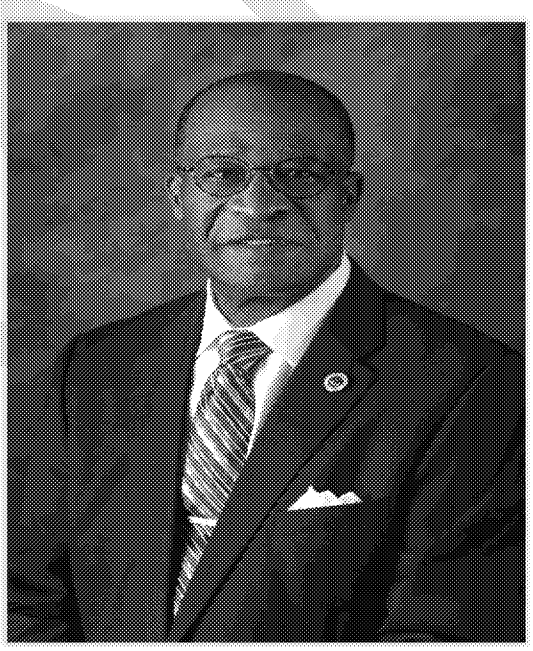
"'Waters of the United States' give us the unique opportunity to make sure all Americans have access to the best drinking water possible. We also have a duty to preserve the most vital part of life- Water."

Mayor Johnny DuPree, Ph. D.
Hattiesburg, MS



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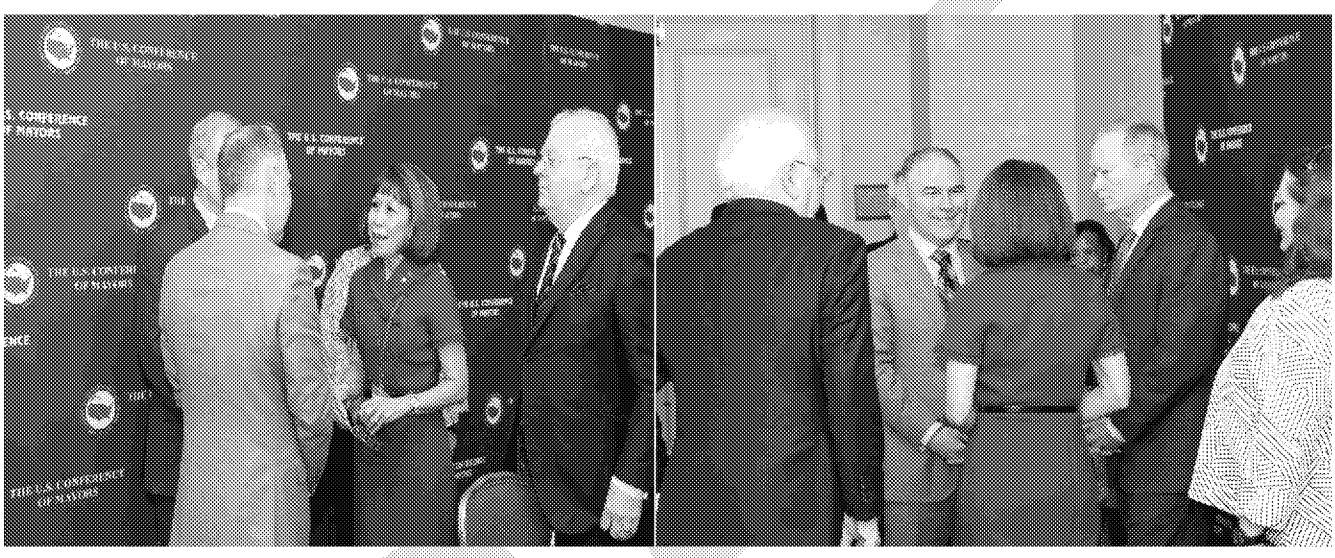
Mayor Johnny DuPree, Ph.D., Hattiesburg, MS Vice-Chair, Small Community Advisory Sub-Committee

J. Outreach to Local Governments

There is a need for enhanced outreach to local governments. Its significance in WOTUS decision-making is all the more critical. A comprehensive communication strategy is needed for local governments that improves the channels of information distribution, and explicit communication at all levels of government. Getting information into the hands of local governments where it will have the most impact must be a priority. This is particularly relevant in small, disadvantaged and ethnically diverse communities. Local governments need to act effectively so that information will reach all relevant parties so it can also be readily communicated effectively to citizens.



Administrator Pruitt meets with Mayor Elizabeth Kautz, Burnsville, MN and Vice-Chair, Protecting America's Waters Workgroup-at the U.S. Conference of Mayors, Photo Source: Eric Vance, EPA

Therefore, there will be a pressing need to improve governmental communication and transfer of information among the EPA, state, tribal and local governments, and to get that information out to the public. Specific tailored information for local elected officials is also needed to convey the effective changes on any new WOTUS rule.

"A change in culture is necessary in managing our water resources. Working together to solve our problems is what is needed rather than imposing fines on cities who already cannot pay. "

Mayor Elizabeth Kautz, Burnsville, Minnesota and Vice-Chair of the Protecting America's Waters Workgroup

Mayor Elizabeth Kautz, Burnsville, MN

589 ## K. Financial Sustainability

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591 One of the common themes heard by LGAC members revolves around affordability. This issue has several
592 components including compliance, pollution and clean-up costs, punitive costs that only serve to reduce
593 local government resources and the disproportionate costs for small and economically disadvantaged
594 communities. If the goal is safe, clean water throughout the country, innovation in approach and cost
595 allocation must be considered at the federal, state and local levels.

596

The availability and cleanliness of our water supply is paramount to building a great nation.

Mayor Sal Panto, Easton, PA

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599 **Mayor Sal Panto, Easton, PA**

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"Waters of the U.S. needs an education piece so that others are given a clear understanding that clean and safe water is a precious resource connected to everything-the water we drink and the food we eat. And we have a responsibility to protect it not only this generation but the generations to come." Samara Swanston
Counsel to the New York City Legislature

602

603 **Samara Swanston, Counsel to the New York City Legislature**

DRAFT

III. Response to Charge: Findings and Recommendations

- **Question: 1-** How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

1.a. How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined?

Background

In the Rapanos v. United States 547. U.S. 715 (2006), the Supreme Court provided a plurality decision of four justices, led by Justice Scalia. The decision basically challenged federal jurisdiction to regulate isolated wetlands under the Clean Water Act. It also applied a very narrow interpretation to CWA jurisdiction, extending the agencies' regulatory authority only to "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters. Justice Kennedy focused on whether the waters in question have a "significant nexus" to traditional navigable waters, *i.e.*, whether they, "either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.'" The LGAC has previously commented that they would prefer a clear and simple approach for jurisdictional determinations such as an approach that yields categorical answers of jurisdiction in these categories: 'yes', 'no' or 'maybe' responses. Any of these answers are sufficient for local governments if these answers are provided in a timely fashion.

Recommendations:

- EPA and the Corps should apply simple approaches that yield jurisdictional calls with simple criteria that give a 'yes', 'no' or 'maybe' answer. (2014 LGAC Report)

- The LGAC recommends using State criteria for these terms as a potential Approach to Wetlands with a "Continuous Surface Connection" and "Relatively Permanent" Waters. Here are a few examples of such criteria:

Jurisdictional

- Streams with seasonal flows or streams with offflow from other water bodies should not cause ephemeral and intermittent streams to be defined as 'relatively permanent'. Metrics and thresholds should be established when a stream is considered "relatively permanent." Such metrics will vary geographically, and the thresholds will be subjective, and made on a case-by-case basis.

- Perennial streams only as "relatively permanent waters".

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- Wetlands that directly touch jurisdictional waters are jurisdictional. However, there may also be circumstances where the current practice of considering wetlands with a continuous surface connection, regardless of distance, to be jurisdictional is not appropriate. Such connections should be perennial (and not include ephemeral and intermittent connections).

- Wetlands with permanent, continuously flowing, surface connections should be included as jurisdictional.

Non Jurisdictional

- Erosional features in the arid West, such as arroyos and dry washes should be 'non-jurisdictional'.

- Ditches and canals that only carry intermittent flows of water and that are not a relocated tributary or excavated in a tributary, as well as stormwater control features that periodically flow in response to significant precipitation events, should also be exempted.

- Develop metrics to identify when "some degree of connectivity" should not be utilized. This will require subjectively defining thresholds for what constitutes a significant degree of connectivity, which should be avoided if at all possible.

- Wetlands where connections do not exist should be exempted from jurisdiction.

- Overland flows that flow through dryland breaks to a WOTUS (rendering a tributary up gradient of the dryland break) should be non-jurisdictional.

- Water features that may be present (for example, residual ponds resulting from placer or other mining efforts) are not jurisdictional where a continuous physical channel is absent; a bed-and-bank is not discernible; an ordinary high water mark is not observable; and/or there are no flow characteristics are not jurisdictional.

1.b. How would you like to see the agencies interpret 'consistent with Scalia'?

Background

EPA and the Corps issued the 2008 guidance document following the Rapanos case that was intended to clarify WOTUS. It does so by asserting CWA jurisdiction over waters that would meet *either* the plurality test (relatively permanent; continuous surface connection) *or* the Kennedy test (significant nexus). In the Guidance and Memorandum of Agreement between the Corps and EPA, there is a list of key questions and answers, that generally breaks the jurisdictional analysis into three major categories. *NOTE: The 2008 guidance did not go out sufficiently for public review and was not communicated well to local governments and other stakeholders.* The first, and presumably more manageable category includes those waters over which CWA jurisdiction will be asserted in every case. And then the second category of

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waters that are not Waters of the U.S. The third category of 'maybe' will go to criteria developed by the states on waters that are significant and should be included as jurisdictional waters.

Recommendations:

- Criteria as outlined in the 2008 guidance should be used for a revised rule, along with revised definitions and the use of state specific criteria.

- Definitions should be modified to provide clarity.

- Criteria should be developed that state a series of questions to determine 'relatively permanent' or continuous'. If answers are 'yes' or 'no' it leads to a 'yes', 'no' or 'maybe' jurisdictional determination. If there is a 'maybe', it diverts to state-specific criteria for jurisdictional determination.

1.c. Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

- EPA and the Corps should establish an Interagency Taskforce to develop the matrix of questions to determine 'permanent' and 'continuous' indicators. Their results should be published and the public given the opportunity to give comment. (LGAC 2014 Report)

- The LGAC recommends these following examples of state- specific criteria for the revised rule:

Intermittent streams, playa lakes, wetlands, and other waters:

- In cooperation with the states, the EPA should designate intermittent streams and other waters as non-waters of the U.S. based on the following criteria:
  - Seasonal flow of running or standing water — each state to develop its own criteria subject to EPA review and approval;

- Because of the variability of conditions within and among states, the EPA should provide guidelines for state standards that include factors to be considered, but which do not constitute federal standards (such as the Science Advisory Board's Connectivity Report).[6]

- Such factors to include are:
  - ✓ Average number of days of stream flow:
  - ✓ Seasonality of stream flow;
  - ✓ Rate of stream flow;
  - ✓ TMDL levels during such periods, amount of water and TMDLs delivered to the 'discharge" body of water; and
  - ✓ Any other relevant factors as the Agency deems appropriate.

[6] U.S. EPA. Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence (External Review Draft). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-11/098B, 2013.

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- States should have standards/factors which reflect possible ground water recharge rates on intermittent streams, playa lakes, wetlands, and other waters. Similarly, factors should include potential contamination of ground water from such water bodies.

- States should develop metrics for each standard they propose and submit to the EPA for review and approval. EPA should respond within 90 days from receipt of a completed state plan to review, propose revisions, or deny the submitted standards and metrics. Failure to complete the analysis within 90 days, subject to the EPA and state agreeing on a time extension, shall result in the submitted standards and metrics being deemed accepted.

- Once the state-submitted standards (three years) are accepted, each state should submit a report to the EPA detailing whether the waters in question continue to meet the EPA-accepted standards, as determined by the state's metrics. The EPA should determine whether each state should submit subsequent reports on an annual or other timeline basis.

- States should use generally accepted scientific findings on issues that affect water quality related to intermittent streams, playa lakes, wetlands, or other designated waters. The EPA may request states review their standards and submit proposed revised plans for the Agency's consideration and approval.

Permanent Bodies of Water:

- Many wetlands are seasonal and have been addressed above. For those that are permanent, states should be empowered to develop metrics that demonstrate whether the water draining a wetland connected to jurisdictional water are "cleaner" than the water that otherwise would flow, if the wetlands were not present.

- States should submit proposed criteria and measurement techniques to the EPA for review and approval. EPA should have 90 days from receipt of completed state plan to review, suggest revisions, and approve or deny the submitted plan. If the review is not completed within 90 days, subject to extension if the EPA and state agree, the submitted plan shall be deemed accepted.

- States should be encouraged to develop water quality criteria and standards for wetlands and other water bodies that impact on ground and source water quality.

- An application for Smart phone or hand-held computer should be developed to give a quick jurisdictional determination and the output sent to all interested parties. (LGAC 2014 Report)

- Manmade conveyances, stormwater treatment systems, ditches, farm and irrigation ditches and green infrastructure amenities should be exempt from jurisdiction. Where possible, EPA and the Corps should work with State, local and tribal governments to map these features as well. *NOTE: Drinking water and wastewater treatment utilities may have these features mapped as part of Asset Management features.* (LGAC 2014 Report)

DRAFT

765 ➢ **Question 2-** What opportunities and challenges exist for your locality with relying on Justice
766 Scalia's opinion?
767
768 *Background*
769 Cities and communities care deeply about the quality of water. One concern is that a rule that is left
770 entirely to interpretation and does not provide sufficient clarity, may add to costs and delays without
771 causing important improvement to water quality. (Goodmann Letter) We understand that the goal is to
772 make it easier to identify WOTUS and a rule interpreting the Scalia decision may not draw bright
773 enough lines for local governments to easily identify those waters affected. Therefore, the use of the
774 Scalia approach in and of itself is unlikely to significantly resolve all of the considerable uncertainty
775 surrounding CWA jurisdiction (either then or now), or prevent continuing litigation to test the agencies'
776 interpretations in the federal courts. However, the 2008 guidance does have criteria that will pose less
777 uncertainty and yield faster results. If the 2008 guidance were revised to include clearer definitions with
778 input from states, local and tribal governments and other stakeholders, with state-specific criteria, it could
779 perhaps help to resolve these issues.
780
781 ***Recommendations:***

782 Relying on a modified Scalia approach and incorporating the 2008 guidance into a revised rule can
783 provide a clearer certainty of federal jurisdictional waters which will lead to more certainty and more
784 ease in permitting.
785
786 ➢ **Question 3: Are there other approaches to defining "waters of the U.S." that you would like**
787 **the agencies to consider to providing clarity and regulatory certainty?**

788 *Background*
789 The 2008 guidance document (issued post- Rapanos) offers assistance and criteria to assess jurisdiction of
790 WOTUS (post- Rapanos). It is consistent with the Scalia approach but also asserts criteria to be used for
791 further consideration of CWA jurisdiction (over some waters). This approach would reflect the opportunity
792 to cover waters significant to states, localities and tribes. The new WOTUS rule should also confirm
793 certain exemptions from federal jurisdiction, offering federal clarification where there has previously
794 been uncertainty. These exemptions include stormwater detention ponds, wastewater treatment facilities,
795 irrigation ditches and "puddles."
796
797 ***Recommendations:***

798 The LGAC recommends that a similar approach articulated in the guidance to the 2008 guidance be
799 used to revise the WOTUS rule.

800 The 2015 rule regulates any area having a trace amount of water if it also has – or ever had – a
801 bed, bank, and an ordinary high water mark (OHWM). This could include many channels and other
802 features that are almost perpetually dry. For the 2017 revised rule, there should be more predictability
803 and certainty in general if there is a dry bed with a OHWM (with historical aerial or infrared
804 photography that it can be established as a WOTUS) or exempt.

805 ➢ **Question 4-The agencies' economic analysis for step 2 intends to review programs under CWA**
806 **303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be**
807 **affected but would not be captured in such an economic analysis?**

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809
810 *Background*
811 A revised Clean Water Rule is expected to have increased clarity and certainty to the process of making
812 jurisdictional determinations under the CWA. Individual jurisdictional determinations can be time-
813 consuming and resource-intensive for the agencies, permittees, business community and local governments.
814 A revised rule should be designed to reduce the uncertainty and clarify categories of waters that are
815 jurisdictional or not jurisdictional by simplifying the process. Clarifying the CWR will reduce the costs and
816 have positive economic benefits. However, the rule itself does not incur direct costs. The rule only applies
817 when a permit is required for a pollutant discharge that would degrade, pollute or destroy a water
818 body. On a positive jurisdictional call, it is uncertain how high the direct costs would be and who would
819 pay those costs. More clearly defined exemptions will lessen the trigger for a CWA permit. However, it is
820 uncertain the direct costs of either a positive or negative jurisdiction determination. Conceivably, a
821 positive jurisdictional determination could trigger permitted activities potentially threatening or polluting
822 waterways. This is especially a concern of local governments as it applies to water bodies that are used
823 for drinking water sources. Because of the high costs of water treatment to meet drinking water standards
824 these costs are often transferred directly to the rate payer and citizens. If a water body is polluted or
825 destroyed, then cost at the local level could pose serious economic costs. Whereas, under a CWA permit,
826 the permittee would seemingly be required to pay mitigation costs rather than the costs transferred to the
827 local government or rate payer. Also, as state or local programs assume more authority, likely with more
828 efficiency, the costs to manage permitting program could increase. States and local governments would
829 not be able to assume these costs without additional resources. Therefore, the economic analysis should
830 be broad and the direct and indirect costs be considered.
831
832 ***Recommendations:***
833 The Economic Analysis should be broad to include impacts to not only Clean Water Act programs but
834 also state and local programs.
835
836 Below are programs from a local government perspective that should be considered in the Economic
837 Analysis:

838 - **Source Water Protection**-There is a general consensus that protecting the nation's water resources
839 is important to local government. Local governments realize that poor water quality affects the
840 health and economies of their communities, disproportionally impacting those that are low-income.
841 Local governments also realize that protecting source water bodies like rivers, lakes, streams,
842 wetlands and groundwater is paramount to protecting drinking water. (LGAC 2016 Drinking
843 Water Report). **Under the Safe Drinking Water Act,** Source Water Assessments (SWAs) provide
844 information about sources of drinking water used by public water systems. SWAs are studies or
845 reports developed by states to help local governments, water utilities, and others protect sources
846 of drinking water and are done differently by each state. Each program is adapted to a state's
847 water resources and drinking water needs. To protect source water, the tools of the Safe Drinking
848 Water Act (SDWA) and Clean Water Act (CWA) programs are utilized to protect source water.
849 Additional protection tools can be found in other EPA programs and various agricultural
850 programs. Changes made to CWA programs may greatly impact state and local source water
851 protection programs and plans. This could have significant economic impacts to local communities.
852 For example, in Flint, Michigan, shifting the source water to the Detroit River water resulted in
853 significant deterioration of water quality that produced significant public health and economic
854 problems. In Portland, Oregon, where source water is protected, treatment cost is less by having

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855 Clean Water Protection programs in place. It is unclear how changes in a revised rule will impact
856 streams and tributaries that impact local sources of drinking water. If adequate CWA protections
857 are not in place it could have significant negative economic impacts to water utilities. These costs
858 are likely be transferred to local governments and rate payers. It is also unclear how this may
859 impact the prevalence of toxic algal blooms which have proved very costly on drinking water.

860

861 - **CWA Section 402** - The NPDES permits and discharges could hold significant economic issues for
862 local governments in regard to WOTUS for wastewater treatment, stormwater management,
863 CSOs, and application of pesticides (used for vector control). There has been a concern about
864 expanded federal jurisdiction to previously unregulated streams, ditches, and wetlands. However,
865 a revised rule will include exclusions beneficial for those that operate MS4s. The rule includes key
866 exclusions that may be useful for localities. The rule retains a long-standing exclusion for "waste
867 treatment systems," such as treatment ponds and lagoons. It also adds new exclusions for
868 artificially created ponds, settling basins, construction and mining excavation pits, and wastewater
869 recycling structures. Lastly, the revised rule could finally codify the well-understood principle that
870 the CWA does not apply to groundwater. For MS4s, the primary concern about the 2015 rule
871 was it could potentially be used as parts of an MS4 – including stormwater drainage ditches,
872 BMPs, and green infrastructure projects – are "waters of the US." For example, that could mean
873 that NPDES permit coverage would be required to discharge into an MS4 or that a CWA 404
874 permit would be required to do maintenance on a BMP. The 2015 final rule includes, for the first
875 time, a regulatory exclusion for "Stormwater control features constructed to convey, treat, or store
876 stormwater that are created in dry land." However, the exclusion does not apply to ditches that
877 were created in previously existing streams or wetlands. The rule's exclusions are important
878 because they take precedence over the rule's jurisdictional tests. For example, a stormwater
879 conveyance ditch that qualifies for the stormwater exclusion would be excluded from CWA
880 jurisdiction even if the ditch would be considered a jurisdictional water under the tributary test.
881 Furthermore, in a reversal of EPA and the Corps' previous position, the agencies stated that they
882 do not retain any discretion to extend CWA jurisdiction to water features that qualify for one of
883 the rule's exclusions. It is unclear how a revised rule will impact Section 402 permits. Potentially,
884 Section 402 permits could prove more costly than Section 404 permitting at the local level in
885 regard to stormwater and wastewater treatment.

886

887 - **Pesticide Applications in Waters of the U.S.**- Since 2011, pesticide applications into, over, or
888 near WOTUS are permitted under the CWA National Pollutant Discharge Elimination System
889 (NPDES) Program due to a 2009 U.S. Court of Appeals for the Sixth Circuit ruling. Agricultural
890 producers, pesticide applicators and local governments have opposed or expressed concerns on
891 the permitting largely on the grounds that it is duplicative and unnecessary to regulate pesticides
892 applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Local
893 governments, mainly county governments are largely responsible for vector control programs to
894 manage mosquitos and spraying of insecticides to reduce vectors and public health concerns.
895 Although the CWR would have arguably expanded the scope of the waters requiring pesticide
896 permitting, the replacement or elimination of the CWR will not end NPDES requirements for
897 pesticides. However, it may provide opportunity to clarify what discharge waters are subject to
898 federal versus state permits.

899

900 - **Section 303 (d)-** Currently, The National Rivers and Streams Assessment (NRSA) 2008-2009
901 report provides information on the biological and recreational condition of the nation's rivers and
902 streams and the key stressors that affect them. The Report indicated that about half of our
903 nation's streams (some of which provide sources of drinking water) have poor water quality.

Poorer water quality could result in significant treatment costs such as Impaired Water sites under CWA Section 303(d) which could transfer the costs to local governments. In addition, in communities that rely on these water bodies for drinking water and source water, the cost will ultimately be transferred to rate payers, having a significant economic impact to local governments. It is uncertain how changes in a revised WOTUS rule will impact on local governments and their local efforts to improve access to clean water.

- **Section 319 and Other Grants**-It is uncertain as to how the determination of WOTUS will impact grants to states and communities. A grant may be given a priority if given to protect a Water of the U.S. It is uncertain how that would impact states and communities.

- **The Coastal Zone Management Act (CZMA) of 1972** provides for the management of the nation's coastal resources, including the Great Lakes, administered by the National Oceanic and Atmospheric Administration (NOAA). The goal is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The National Coastal Zone Management (CZMA) Program aims to balance competing land and water issues through state and territorial coastal management programs managed through state and local Coastal Zone permits. These CZMA Programs work in tandem with the many tools of the CWA including Section 404. The Economic Analysis should include an assessment of the economic impact to coastal resources and wetlands, including an economic impact analysis to water dependent industries such as fishery (salmon and seafood industry), tourism, and other water dependent industries. For example, in the Puget Sound region, fish hatchery and harvest operations reeled in about $18 million to tribal personal income. In areas where the average annual per capita income is around $10,000, a decline in the availability of healthy fish can significantly impact the economies of these communities. (LGAC Drinking Water Report). An example, the LGAC worked with is evaluating the impacts of the Deepwater Horizon Spill to local governments in the Gulf of Mexico. The Gulf fishing and tourism industries produce $3.5 - $4.5 billion a year. Without adequate federal CWA authorities in place other potential impacts could occur, having deleterious impacts to local economies and natural resources.

- **Question 5- What additional information can you provide from a local government perspective that EPA should be aware of?**

DEFINITIONS

Background

Clear definitions are critical for the revised WOTUS rule. The LGAC fully supports and endorses EPA's efforts for clarification of 'Waters of the United States'. These improvements are long overdue. The LGAC highlights clarity in definitions, which is critical for the revised rule. While the LGAC does not have specific language recommendations for all of the definitions of a revised rule, the LGAC offers the following for the EPA to consider including, redefining or clarifying in the rule.

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Recommendations:

The LGAC puts forward the following definitions brought forward to consider in the 2017 WOTUS Rule.

.

- EPA should, where appropriate, use definitions that are used consistently across all of the federal agencies, e.g. EPA, Army Corps of Engineers, Federal Emergency Management Agency, Department of Agriculture, U.S. Geological Survey and U.S. Forest Services.

- EPA should task an Interagency Workgroup to develop a glossary of definitions and publish this Interagency Glossary of Terms, following public review.

- Definitions should be practical, written in plain English, and be enforceable.

- The LGAC recommends that narrative descriptions with examples be provided to augment the definitions, as well as pictures, where this could achieve greater clarity.

- The public should have the opportunity to comment on revised definitions.

- The following terms, among others, should be defined concisely and with clarity: 'other waters', 'adjacent' and 'upland'. Furthermore, the LGAC recommends 'upland' be defined based upon exclusion of what it is not.

- The LGAC recommends that EPA consider the following when defining these terms:

Wetlands

- The current definition of wetlands should be used: "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas."

Floodplains

- The definition of the Interagency Taskforce on Floodplains should be used: "Floodplains include low-lying areas adjacent to and the water bodies of streams, rivers, lakes, estuaries, and coastal zones that are inundated or may become inundated as a result of changing conditions." The definition of floodplains should take into account movement of flood lines due to extreme weather events.

Riparian area

- The LGAC recommends that riparian areas be defined as "an area bordering a water where surface or subsurface hydrology directly influences the ecological processes and plant and animal community structure in that area. Riparian areas are transitional areas between aquatic and terrestrial ecosystems that influence the exchange of energy and materials between those ecosystems."

Floodway

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995 - 'Floodway' should be defined as a flood course within the banks or within a canyon where water
996 would be expected to flow under normal circumstances.
997
998
999 **Ditches**
1000 - A clear definition of 'ditch' should be provided in the proposed rule.
1001
1002 - The following Google Dictionary definition of 'ditch': a "narrow channel dug in the ground
1003 typically used for drainage". Examples listed are trench, croft, channel, dike, drain, watercourse
1004 conduits.
1005
1006 **[SCAS to include strike language]**
1007
1008 **Significant Nexus**
1009 - The most important definition contained within the proposed rule and at the heart of
1010 jurisprudence in the issue of Waters of the U.S. It is uncertain how 'significant' nexus would be
1011 interpreted so the Committee recommends EPA describe significant nexus such that it is in plain
1012 English, with specific terms and examples.
1013
1014 - The agency should consider all three parameters of water quality "the chemical, physical, and
1015 biological integrity of water" as criteria for 'significant nexus'. Likewise, the LGAC does not
1016 agree that only one of these features be used as the benchmark, but that all three parameters of
1017 chemical, physical and biological integrity of a water body are all equally important.
1018
1019 - The LGAC does not agree with the use of the term "significant effect" and also recommends
1020 language of "insignificant or speculative" should not be used.
1021
1022 - EPA charged the Science Advisory Board with interpreting significant nexus and connectivity
1023 based on the best science available. The LGAC is uncertain as to how the revised rule will make
1024 benefit of these important and critical definitions; however, the findings may be important to
1025 factor into a revised rule. (GAC 2014 Report)
1026

1027 **Streams and Tributaries**
1028
1029 **Tributaries**
1030 - A clear definition of 'tributaries' be included in the proposed rule using clarifying examples.
1031
1032 **Streams**
1033 - The revised rule should define the term "rain dependent stream". An example of a stream that is
1034 not rain dependent be provided.
1035

1036 ## ENVIRONMENTAL JUSTICE

1037
1038 *Background*
1039 The LGAC would like to assure that all, but especially EJ, small, rural and tribal communities have access
1040 to safe drinking water and these water sources protected and made accessible. (For example,

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disproportionately low income communities do not have access to drinking water and source water is the only source of water).

EJ Communities:

- Must have regulation and enforcement that is coordinated among all levels (federal, state and local) to assure we protect water now and for our future generations, since water is life.

- Must have protections against current contaminants but, as well, engage the scientific community to preserve safe drinking water, and recreational waters from new and emerging contaminants. EJ communities and Tribal communities depend on clean and safe water for their food supply, as well.

- Need to have clearly defined WOTUS, what they are and engage EJ communities to better understand protection of these valuable watersheds and bodies of water.

- Look to local communities to find local solutions. Water infrastructure resources, including clean and safe source water, are needed for EJ communities to ensure safe and accessible drinking water.

- Must have assurances that for all issues of WOTUS that EJ communities are included in any economic analysis to assess cumulative risks for the lack of safe drinking water and/or for being exposed to contaminated water (lead, mercury).

- Need to be integrated in urban and rural planning in coordination with state and federal partners for Flood control impacts of a narrow CWA interpretation.

Recommendations:

- The revised WOTUS rule should serve as another important tool towards advancing clean safe drinking water for all communities throughout the country, but especially for EJ, small, rural and tribal communities.

- The revised WOTUS rule must include protections for the access of reliable, clean and safe drinking water especially for disproportionately affected low income EJ communities (who already have significant health disparities) and vulnerable populations across the country.

- The revised WOTUS rule should protect communities against downstream impacts of agricultural runoff, sewage, industrial waste, mining, flooding and improper disposal of medical waste.

- The revised WOTUS rule must assure protection of water bodies from contamination that can significantly harm the health of a community.

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1078 ➢ **Question 6- Are there other issues the agencies should consider which would help ease the**
1079 **regulatory burden for implementation of WOTUS for state, local and tribal government?**
1080

1081 *Background*
1082 The LGAC believes that clear boundaries of WOTUS jurisdiction and clear exemptions are crucial for the
1083 support of local governments. Clear boundaries provide for more equitable and predictable permitting
1084 and also for better protection of our water resources. (LGAC 2014 Report)
1085
1086 The LGAC concludes, based upon the testimony that we heard and the analysis of the Committee, that a
1087 revised rule can significantly clarify the historic confusion and uncertainty resulting from conflicting case
1088 law and Supreme Court decisions. (LGAC 2014 Report)
1089
1090 In 2014, the LGAC heard a broad level of concerns raised by municipal associations and county
1091 governments concerning MS4s. The LGAC is uncertain of what the regulatory impact will be on
1092 MS4s as a revised rule is currently not written. MS4s and green infrastructure are foundational to the
1093 continuum of care that is being implemented at the local level to improve water quality. *(LGAC 2014*
1094 *Report)*
1095
1096 Much of the uncertainty of MS4s (in 2014), was that stormwater and green infrastructure is centered on
1097 whether these collection systems or portions of the systems would be required to meet State Water
1098 Quality Standards (WQS) under Section 303(d) or potentially a total maximum daily load (TMDL)
1099 because they will now be considered a "Water of the United States." WQS and TMDL were not
1100 designed for this application so application within a collection system seems not warranted. WQS define
1101 goals for a water body by designating its uses and setting criteria to protect those uses, but there is no
1102 established designated use for MS4s. Without a designated use, the default is "fishable/swimmable,"
1103 unless the state demonstrates that it is not attainable for one of six particular reasons, none of which is
1104 because the waters serve as stormwater conveyances. A pending EPA proposed rule on water quality
1105 standards could make use designation analyses more stringent (i.e., by requiring a "highest attainable
1106 use" presumption). Also, if it is not deemed jurisdictional under Section 404 it will likely need a Section
1107 402 permit and subject to WQS. (Goodmann Letter)
1108
1109 There could be potential impacts to wastewater systems and NPDES permitting related to these systems.
1110 Because of the exclusion language, the Agency did not seem to analyze the impact to wastewater
1111 systems but some cities have raised questions whether some part of combined sewer systems or other
1112 aspects of a wastewater treatment systems would be considered within the jurisdiction of the EPA, based
1113 upon the WOTUS rule. (Goodmann Letter)
1114
1115 Many communities already heavily focus on water quality programs and projects; these communities
1116 should be encouraged and incentivized to do more. A revised WOTUS rule should recognize that much of
1117 the action towards cleaner water happens at the local level. High performing local agencies should be
1118 noted as following best practices and afforded a relaxed regulatory environment in those circumstances
1119 where water quality objectives are met and exceeded. (LGAC 2014 Report)
1120
1121 The LGAC believes that making jurisdiction calls of what is 'exempt' and what is not in a timely fashion is
1122 critical to protecting water resources and providing predictability to state and local governments. The
1123 LGAC believes that easily accessible predictive tools need to be developed and utilized to speed this
1124 process. (LGAC 2014 Report)
1125
1126

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1127
1128 ***Recommendations:***

1129 The LGAC recommends that the use of State General permits be expanded to reduce the regulatory
1130 burden and also be used for smaller projects with minimal impacts. It could also be used to address
1131 regional and state specific activities and special water bodies. Under Section 404(e) of the Clean Water
1132 Act, the U.S. Army Corps of Engineers can issue general permits to authorize activities that have minimal
1133 individual and cumulative adverse environmental effects. Nationwide permits can authorize a wide
1134 variety of activities such as mooring buoys, residential developments, utility lines, road crossings, mining
1135 activities, wetland and stream restoration activities, and commercial shellfish aquaculture activities. All
1136 permits, whether individual or general, must be reissued every five years.
1137

1138 The LGAC recommends that EPA clearly articulate jurisdictional waters in an outreach plan which, in
1139 plain English, describes these areas with a clear statement of why they are in need of protection. This will
1140 provide local governments with more certainty and assurance in communicating the rule to their
1141 communities. (LGAC 2014 Report)
1142

1143 The LGAC highly recommends explicitly specifying when ditches would be considered jurisdictional.
1144 (LGAC 2014 Report)
1145

1146 The LGAC recommends that manmade conveyance components of MS4s be exempt from Waters of
1147 the United States. This includes manmade green infrastructure, roads, pipes, manmade gutters, manmade
1148 ditches, manmade drains, and manmade ponds. (LGAC 2014 Report)
1149

1150 The LGAC recommends that natural conveyance components of MS4s are included in Waters of the
1151 United States. This includes natural wetlands and associated modifications to natural wetlands. (LGAC
1152 2014 Report)
1153

1154 The LGAC recommends that green infrastructure projects be exempt from WOTUS and that they
1155 should be incentivized to protect water resources. (LGAC 2014 Report)
1156

1157 The LGAC recommends that there be some criteria which exempt certain activities in 'Waters of the
1158 U.S'. for public safety and hazards. This is particularly critical in flood prone areas and for
1159 disadvantaged communities in floodways that may need to have emergency relief quickly and rapidly.
1160 (LGAC 2014 Report)
1161

1162 The LGAC recommends that EPA work to identify regional areas where jurisdictional determinations
1163 could be problematic in terms of sea level rise and where groundwater and surface flow intermix. For
1164 example, it is unclear how the state of Florida, with so much land area nearly at sea level, will be
1165 categorized. In this specific region, conceivably all waters could potentially be jurisdictional. The LGAC
1166 recommends that specific guidance be developed to address and classify these areas with region-specific
1167 criteria to assess jurisdictional determinations. (LGAC 2014 Report)
1168

1169 The LGAC recommends that EPA, working with the Corps of Engineers, develop a tool for use by local
1170 governments which a permittee can use to assess their own jurisdictional status. For example, this could

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involve a simple categorical, printable questionnaire in a decision tree framework with questions aimed with an outcome of 'yes', 'no' or 'maybe'. The LGAC recommends this method be computerized and developed as a smartphone application which yields a simple predictive outcome. (LGAC 2014 Report)

The LGAC recommends that EPA work directly with stormwater associations to provide guidance to best address MS4s, stormwater controls, and their jurisdictional determinations. (LGAC 2014 Report)

The LGAC recommends that EPA look to stormwater experts and the practical advice that stormwater professionals can lend to a proposed WOTUS rule that the EPA is considering for 'Waters of the U.S.' (LGAC 2014 Report)

The LGAC recommends addressing how mining impoundments, borrow pits and tailings ponds will be addressed within jurisdiction of WOTUS. (LGAC 2014 Report)

The LGAC recommends that regional and local technical manuals as well as other communication tools (e.g. checklists, smartphone apps, etc.) designed to account for geographic differences in each EPA region be developed to assist with jurisdictional calls. (LGAC 2014 Report)

The LGAC recommends that EPA provide planning maps at the state level which could be used as a planning tool to ascertain jurisdictional probability with high certainty. Such mapping would include the Hydrologic Unit Codes (HUC) for waterways. (It is presumed that all waterways with a designation of HUC-12 or less will be included in WOTUS.) (LGAC 2014 Report)

IMPLEMENTATION

Background

The LGAC heard strong concerns (in 2014) regarding implementation, especially from local governments. Several local agencies reported uncertainty in interpretation as well as uncertainty in time and cost to undertake the permitting process. The rule language must be consistently interpreted by all parties including the EPA, the US Army Corps of Engineers and local agencies. The rule should stipulate responsiveness of permitting agencies. Otherwise, the LGAC is concerned that a revised rule could further delay permits at the local level. (LGAC 2014 Report)

Recommendations:

The LGAC recommends that a revised rule stipulate time frames for permit review and jurisdictional determinations. Time frames such as 60 to 90 days to obtain a permit would be well-received at the local level. *(LGAC 2014 Report)*

The LGAC recommends that EPA more clearly identify how Preliminary Jurisdictional Determinations would be processed to avoid unnecessary permit delays. (Goodmann Letter)

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1213 The LGAC recommends that EPA Administrator work with the Chief of the US Army Corps of Engineers
1214 to determine a process to reduce the issue of permitting delays of Section 404 permits. These delays are
1215 a significant and a costly issue for local governments. (LGAC 2014 Report)
1216

1217 The LGAC recommends that state agency staff be utilized to make jurisdictional calls and work in
1218 cooperation with local districts with subject matter expertise such as county-based Conservation Districts
1219 or water management districts (e.g. Florida Water Management District). These local agencies can work
1220 together with the Corps to streamline permitting. (LGAC 2014 Report)
1221

1222 The LGAC recommends that EPA regionalize wetlands delineation manuals to take into account
1223 regional and local variability of vegetation, hydromorphology and hydroperiods. (LGAC 2014 Report)

1224 The LGAC recommends that State agencies be delegated the authority to make jurisdictional
1225 determinations. These determinations could be certified by the EPA and Corps District staff. Potentially,
1226 private sector firms and/or individuals could be certified to make these determinations. This could relieve
1227 overburdened federal agencies and accelerate the determination/permit process.

1228 EPA and the Corps should encourage and provide incentives for States and Tribes to identify and
1229 protect significant state or unique waters such as sources for drinking water to protect.

1230 EPA and the Corps should provide mapping of jurisdictional waters (8-Digit HUC). It should also be
1231 accessible by zip code and available online.

1232 The LGAC recommends that EPA work further with the Committee to develop a cohesive strategy to
1233 address local tools for stream and tributary protection so that it does not interfere with local governments
1234 protecting and maintaining water resources for its citizens and communities. For example, many local
1235 governments have zoning ordinances and coastal management plans that are protective of streams,
1236 riparian areas, and sensitive wetland areas. It is unclear how a revised WOTUS rule will affect our
1237 ability at the local level to protect our significant ecological areas. (LGAC 2014 Report)
1238

1239 The EPA should work with local communities to utilize the regulatory tools that the Clean Water Act
1240 (CWA) and the Safe Drinking Water Act (SDWA) provide in order to protect source water, especially for
1241 low-income, minority, rural and tribal communities where this threat remains. (LGAC Drinking Water
1242 Report 2016)
1243

1244 The LGAC strongly recommends that the EPA continue to explore how the SDWA and the CWA could
1245 be coordinated to better protect source water and our nation's water resources. In addition, the LGAC
1246 recommends that the EPA coordinate a Memorandum of Agreement with the U.S. Department of
1247 Agriculture's Natural Resources Conservation Service (NRCS) to explore ways to reduce agricultural
1248 runoff and improve soil health. (LGAC Drinking Water Report 2016)
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STATE ASSUMPTION OF SECTION 404

Background

Under current regulations, states and some tribes may seek delegation to implement CWA § 404 which governs dredge and fill activities in wetlands and other waters. This CWA assumption allows a state or tribe to regulate those waters and to take jurisdictional responsibility to condition, approve or deny dredge and fill permits in lieu of the federal Section 404 program administered by the Corps and EPA. The state or tribal program must be approved by the EPA and the Corps of Engineers. States and tribes play a significant role in implementing CWA Section 404 Program through assumption and to fully integrated and comprehensive water program addressing the full range of state, tribal, and CWA requirements. Assumption allows for flexibility, less time constraints and the ability to integrate state and local water quality objectives.

The State of Michigan has received delegation authority and the LGAC was briefed on their program. Under the Michigan program, the permitting process is more streamlined and has incorporated other state statutory programs like CWA § 401 certifications, dam safety and other state regulatory programs. The average time of the permitting process is 21 days.[7]

Based on the Michigan example, the LGAC believes that states may more effectively administer the Section 404 program, especially in addressing regional issues. States can more effectively interact with local governments, businesses, agriculture and private landowners. (LGAC 2014 Report)

Recommendations:

- The LGAC believes that State Assumed CWA and tribal-led programs may provide substantial cost-savings in time and money and should be investigated further. (LGAC 2014 Report)

- The LGAC recommends that guidance be developed to facilitate State Assumption of the Section 404 program.

- In order for state assumed programs to be successful, adequate resources must be made available and comparable water quality protections must be adopted by the state or tribal government. Despite these perceived barriers, the LGAC believes this is a highly worthwhile approach. Incentivizing the delegation program could achieve a strong return on investment. (LGAC 2014 Report)

- Local agencies may also be more receptive to a revised WOTUS rule if it is a state-run program which can be more responsive to local and regional issues. (LGAC 2014 Report)

- The LGAC strongly suggests federal incentives for States and Tribes to assume the CWA Section 404 program. These federal incentives should also provide technical, financial and staffing resources to assume the CWA 404 program. (LGAC 2014 Report)

[7] "Wetlands Protection." Michigan Department of Environmental Quality. www.mi.gov/wetlands.

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ENFORCEMENT

Background

The LGAC believes that enforcement will be important in implementing the CWA programs to follow a revised rule. It is not possible to ascertain the impacts of enforcement on local governments without a revised rule currently in place. The LGAC also believes that clarified definitions contained within a revised WOTUS rule will be critical to effective and equitable enforcement of the rule. (LGAC 2014 Report)

Recommendations:

- The LGAC recommends that flexibility is important within the regulatory context so that conservation practices can be considered nationwide and be consistent, particularly on agricultural lands. (LGAC 2014 Report)

- The EPA should work collaboratively with state regulators to reduce punitive approaches and increase facilitative solutions. Generally, communities facing fines and citations are already struggling with compliance. Fines rarely improve water quality; fines only reduce the local resources available to achieve compliance. A collaborative approach can be most effective in reaching water quality goals. (LGAC Drinking Water Report 2016)

- The LGAC recommends that EPA work with state and local governments once a revised WOTUS final rule is developed and issued regarding enforcement options. (LGAC 2014 Report)

LOCAL SOLUTIONS -INTEGRATED PLANNING

Background

The LGAC believes that the CWA has had tremendously positive impacts on the rivers and streams of the United States which in turn has led to economic prosperity and well-being for our nation's communities. Communities and local governments are spending millions of dollars to improve our waterways and drinking water supplies. Some states even have more protective water quality standards than those required by federal law. The LGAC noticed a general feeling of distrust that the 2015 rule generated. Further clarity on definitions, jurisdiction and exemptions should further aid Integrated Planning. However, it is uncertain how a revised WOTUS rule will factor in Integrated Planning efforts in general. Furthermore, there is a great deal of uncertainty how CWA 404 and the rule will impact local ordinances and how it can be integrated into state, tribal and local water quality plans. (LGAC 2014 Report)

Recommendations:

- The LGAC recommends that EPA work with cities and communities on Integrated Water Quality Planning that will incorporate all of the Clean Water Act provisions into local plans, including Section 404. This planning process is already ongoing and the LGAC looks forward to these proactive approaches to address water quality concerns while providing green infrastructure and multi-use amenities to serve our public and create jobs. (LGAC 2014 Report)

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The LGAC recommends that EPA incentivize local, tribal and state agencies to engage in Integrated Water Quality Planning and develop policies, programs and projects that further the goals of the Clean Water Act. The rule should not in any way discourage local efforts to improve water quality through projects and programs. (LGAC 2014 Report)

- **Question 7- What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?**

Background

The LGAC believes that clear communication and outreach is essential at every level of government once a revised rule is developed. There are many misconceptions and uncertainties regarding EPA, the Army Corps of Engineers, and a revised WOTUS rule's impact on CWA programs.

In learning from the WOTUS 2015 rule, we heard concerns throughout the outreach process, and noted these concerns about the mixed messages relating to the economic impacts.

The LGAC recommends that the EPA share the LGAC findings and recommendations with the state environmental commissioners, state agricultural directors, state water directors, and other state officials. (LGAC Water Report 2014)

Recommendations:

The LGAC recommends that a Fact Sheet (one-page) be developed laying out the clear messaging of the revised WOTUS rule. It should also have graphics and a side-by- side comparison of what the rule currently is and what the revised rule proposes. This sheet should be developed to enhance public understanding of the rule. (LGAC Water Report 2014).

The LGAC believes it is important that EPA is aware of the potential for mixed messages in their communication with local agencies regarding the economic impact of a revised rule. Based on the Workgroup's 2014 field meetings, local agencies were skeptical of EPA's strong statement that the proposed rule did not change the definition of the 'Waters of the U.S.' Although this statement may have been factually correct, what likely occurred in the field is that local agencies may have experienced a permitting environment in direct contrast to this statement, as jurisdictional assertion was expected to increase. It is important that the EPA and the US Army Corps of Engineers do not understate the impact the rule may have on local jurisdictions. Also, the economic analysis should include all Clean Water Act programs. (LGAC Water Report 2014)

The LGAC recommends that the EPA continue to evolve and improve its communication with local governments, as well as EJ, agricultural and small communities with respect to the 'Waters of the United States.'

The LGAC recommends that EPA develop Fact Sheets to communicate the proposed changes in the WOTUS rule designed *specifically for locally elected officials.*

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The EPA should work with State Municipal Leagues and other intergovernmental organizations to distribute communication materials for local governments. (LGAC Drinking Water Report 2016)

In EPA's annual or biannual meetings with State Environmental Commissioners, State Public Health Directors and State Agricultural Directors, the EPA should convene a special forum on 'Waters of the U.S.' on ways to assist local governments, EJ communities and rural communities. (LGAC Drinking Water Report 2016)

- **Question 8- The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?**

8.a. **What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply?**

Recommendations:

The LGAC recommends that EPA should consider the impacts of a revised rule on NPDES and Wastewater systems. (Goodmann Letter).

The LGAC recommends that EPA consider a bright-line on 'other waters' to provide more clarity on what is jurisdictional under the CWA. For example, it would be well-advised that EPA determine with accuracy what areas are considered to be state or local ecologically significant areas such as source water and drinking water sources, and that states should provide a listing of these areas. (LGAC 2014 Report)

8.b. **Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities?**

Background

The Small Community Advisory Subcommittee (SCAS) of the LGAC investigated in greater depth the agricultural related issues to a revised WOTUS rule. The SCAS had some observations from the testimony received. Also, several of the SCAS Members are also agricultural producers or work closely with the Conservation Districts. Generally, at issue for the agricultural community in the 2015 rule was the lack of clear definitions and the lack of clarity on exemptions.

Agricultural issues remain an area where there is a great deal of uncertainty and confusion regarding WOTUS. The SCAS believes that the agricultural community presents the greatest challenge but also

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offers the greatest receptivity to recognizing the importance of conservation and protection of our natural resources. Agriculture is a water-dependent business and cannot flourish without adequate supplies of clean and safe water.

Recommendations:

- The LGAC recommends that EPA develop a "rural strategy" which would address the issue of 'Waters of the U.S.' on agricultural lands and rural communities. This rural strategy could provide more comprehensive planning and resources to address the full range of water quality and community issues associated with rural America and disadvantaged small communities.

- The LGAC recommends that there be consistency between Natural Resources Conservation Services (NRCS) and EPA on interpretation of normal farming practices and that a clear definition of normal farming practices be included. Furthermore, the LGAC recommends a manual of agricultural exemptions be developed and published.

- The LGAC recommends that the jurisdiction of farm ponds, irrigation ditches and ponds, artificial lakes and ponds created by excavation and/or diking dry land for purposes of stock watering, settling basins be exempt from WOTUS.

- The LGAC recommends that floodplains be established at a level of 50- year, 100- year and 500 - year for agricultural purposes.

- The LGAC was made aware of the State of Tennessee's Water Quality program, and the LGAC recommends that the EPA investigate this approach in regard to jurisdictional waters on agricultural lands.

- The LGAC recommends that EPA facilitate better working relationships with the Corps, especially in regard to agricultural lands.

- The LGAC recommends that dams and drainages designed for fire prevention be exempt from WOTUS.

- The LGAC recommends that settling ponds and basins be determined on a regional case- by -case specific basis.

- The LGAC recommends expanding the Conservation Reserve program to enhance protection of riparian areas and wetlands.

- The LGAC recommends that EPA continue to work with NRCS to incentivize farming practices that improve water quality.

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Prior Converted Croplands

Background:

The Clean Water Rule excludes Prior Converted Croplands (PCC) from the definition of "waters of the United States." (existing since 1992). The Rule also provides that even if another federal agency has deemed land to be PCC, the final authority regarding CWA jurisdiction remains with the EPA. Other provisions such as Swampbuster also incorporates a PCC exception but are administered by the USDA under the Food Security Act of 1985. The Act regulates federal benefits for farmers and includes provisions designed to discourage farming on converted wetlands. Under the Act, farmers who have altered a wetland after November 28, 1990, to make crop production possible are generally prohibited from receiving USDA-FSA-administered commodity, disaster, and conservation program benefits. Likewise, farmers who plant crops on wetlands converted between December 23, 1985, and November 28, 1990, are ineligible for program payments. Generally, drainage systems and other conversions in place before December 23, 1985, may continue in their existing form. The 2014 Farm Bill also reinstated a requirement that farmers must comply with Swampbuster provisions to receive crop insurance premium assistance beginning in 2015. The NRCS is responsible for making wetland determinations for purposes of USDA farm program eligibility only. Once a certified wetlands determination is made (and given to the farmer via form NRCS-CPA-026), it is binding on the property. All determinations made after July 3, 1996, are automatically deemed "certified." Determinations made prior to that date may be considered certified if they meet certain conditions. If a certified wetlands determination exists, the NRCS may not issue a new determination, absent a request by the landowner and (1) a determination that natural changes have occurred to the topography or (2) an acknowledgment by NRCS that an error exists in the current report. It is uncertain how changes in the WOTUS rule will change the dates for PCC or Swampbuster provisions.

Recommendations:

- A process for determining Prior Converted Croplands should be established with the new changes to the WOTUS rule. For example, what date should the PCC be referred to.

- On agricultural lands, the Department of Agriculture should be given authority to make WOTUS jurisdictional determinations. (LGAC 2014 Report)

- The LGAC recommends that normal agricultural practices be defined more effectively to achieve the desired results and to be accepted by the agricultural community. Normal farming practices are not limited to those listed and will change with advances in science and technology.

- The LGAC recommends consistency of definitions among NRCS, EPA and other agencies involved in these issues. The SCAS believes that a glossary defining what agricultural exemptions are will be helpful. Specifically, the LGAC has heard a great deal of concern from Northern Minnesota where there are non-tiled drainage ditches and also from agricultural communities in Georgia. (LGAC 2014 Report)

- The LGAC recommends more effective outreach to agricultural communities and small rural communities on a revised WOTUS rule.

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00067988-00043

Recommendations:

- The EPA should plainly state how WOTUS rulemaking will impact storm-water collection systems and clearly exempt those parts of the systems that EPA does not wish to include. (Goodmann Letter)

8.c. Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

Background

Rule language should not have broad inclusions and cities are concerned that jurisdictional calls will be dependent upon agency judgments and discretion for exclusions. The criteria need to be clear enough that cities do not have to either guess at application of a rule or wait for the agency to interpret a rule which creates uncertainty. It is unworkable for cities to rely on agency judgments and discretion for exemptions. There is a concern about the magnitude of the requests the agencies will be forced to address and the timeliness of the agencies' responses given any uncertainty of a new rule. Cities cannot be faced with significant delays to address critical storm-water infrastructure while waiting for agency action. Cities should be provided clarity by the agencies so that they can effectively plan and budget for the operation and maintenance of the storm-water collection systems without the uncertainty of the discretion of the agencies and when it will receive that agency judgment. In addition, without a specific exemption for MS4 systems including drains, roads, pipes, curbs, gutters, ditches and other components that channel runoff, as well as non-MS4 storm-water systems and features/components, EPA and Army Corps open the door for litigation and citizen suits that could determine that they are considered a "Waters of the U.S." and thereby subject to Section 404 permitting and state Water Quality Standards. (Goodmann Letter)

- The EPA should exempt green infrastructure from jurisdiction and outline the Agency's definition of what is included within green infrastructure similarly as for agricultural practices for 'normal farming practices'. (Goodmann Letter)

IV. Cost to Local Government

Background

The LGAC heard extensive concerns that the US Army Corps of Engineers simply does not have enough resources to effectuate an efficient permit process now, or under a new rule, without additional resources. An ineffective permit process consumes scarce local, state and federal personnel and financial resources without achieving a value-added return on investment. A revised rule and the permitting process and implementation must recognize the scarcity of these resources such that results are optimized for the level of investment. (LGAC 2014 Report) Delays and additional permitting do not get calculated into a simplistic understanding of affordability of 2 percent of median household income (MHI), which the Agency utilizes to make determinations on significant cost impacts to local communities (Goodmann letter).

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Recommendations:

- The LGAC recommends that the EPA continue to coordinate with the US Army Corps of Engineers to ensure that the permit process is predictable and value-added. The proposed rule must be viewed in the context of how it will be implemented to validate that the resource protection outcome is balanced against the economic cost of the permitting process. Local, tribal and state agencies are at the front lines of achieving the goals of the Clean Water Act. Engaging local agencies as collaborative partners in the conversation with EPA and the US Army Corps of Engineers regarding implementation can only improve the process and the desired water resources protection results. (LGAC 2014 Report)

- The LGAC recommends that EPA better understand the cost and resource implications, especially to local, state and tribal agencies, before drafting a revised rule. Local agencies are very concerned about cost, which is exacerbated by the uncertainty in the permitting process. (LGAC 2014 Report)

V. CONCLUSION

The Local Government Advisory Committee (LGAC) provides a strong connection between the EPA and the communities striving to provide clean drinking water and maintain healthy source water. The LGAC's 'Waters of the United States' 2017 Report provides a series of recommendations that offer the EPA practical solutions to complex challenges based on the experience of local and tribal governments. The LGAC is confident that our concepts and approaches can assist the EPA in developing a regulatory framework that inspires communities to act in the interest of clean, safe and affordable drinking water.

Many communities have already invested their resources in green infrastructure, integrated planning and innovation that advances the state of practice. Local, tribal and state governments are already leading clean water initiatives in their jurisdictions. EPA can utilize this experience, captured in the LGAC report, to develop clear, predictable, flexible and locally adaptable approaches to regulation.

Thank you to the EPA Administrator and the EPA Team for their partnership with the LGAC in advancing the goal of clean, safe and affordable drinking water across the United States.

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APPENDIX

Disclaimer: *This Report reflects what was conveyed during the course of the LGAC meetings. The Committee is not responsible for any potential inaccuracies that may appear in the Report as a result of information conveyed. Moreover, the Committee advises that additional information sources be consulted in cases where any concern may exist about statistics or any other information.*

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Roster of LGAC Members

Waters of the United States
2017 Report

2017 ROSTER LGAC AND SCAS MEMBERS

Chair of LGAC

The Honorable Bob Dixson
Mayor, Greensburg, KS
Greensburg, KS

Chair of SCAS

The Honorable Robert Cope
Commissioner, Planning and Zoning, Salmon, ID
Salmon, ID

LGAC AND SCAS MEMBERS

Region 1

Mr. Rodney Bartlett ***(SCAS Only)***
Town Administrator
Peterborough, New Hampshire

The Honorable Kim Driscoll
Mayor, City of Salem
Salem, MA

The Honorable Miro Weinberger
Mayor, City of Burlington
Burlington, VT

The Honorable Jill Duson (Vice-Chair)
Councilor, Portland, Maine
Portland, Maine

Region 2

Samara Swanston, Esq.
Counsel to NYC Council Environmental Protection Committee, New York, NY
New York, NY

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1658
1659 **The Honorable Dawn Zimmer**
1660 **Mayor, Hoboken, NJ**
1661 **Hoboken, NJ**
1662
1663 **The Honorable Manna Jo Greene**
1664 **County Legislator, Ulster County, NY**
1665 **District 19 Rosendale, NY**
1666
1667 **Region 3**
1668
1669 **The Honorable Sal Panto, Jr.**
1670 **Mayor, City of Easton**
1671 **Easton, PA**
1672
1673 **The Honorable Stephen T. Williams**
1674 **Mayor, Huntington, WV**
1675 **Huntington, WV**
1676
1677 **Region 4**
1678
1679 **The Honorable Merceria Ludgood**
1680 **Commissioner, Mobile County**
1681 **Mobile County, AL**
1682
1683 **The Honorable Johnny DuPree, Ph.D.**
1684 **Mayor**
1685 **Hattiesburg, MS**
1686
1687 **The Honorable Kitty Barnes**
1688 **Commissioner, Catawba County, NC**
1689 **Terrell, NC**
1690
1691 **The Honorable Hardie Davis**
1692 **Mayor, City of Augusta, GA**
1693 **Augusta, GA**
1694
1695 **Ms. Susan Hann**
1696 **Director, Planning Palm Bay County Schools, FL**
1697 **Palm Bay County, FL**
1698
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1700 **Region 5**
1701
1702 **The Honorable Stephanie Chang**
1703 **State Representative- House District 6**
1704 **State of Michigan**

1705 **The Honorable Victoria Reinhardt**
1706 **Commissioner, Ramsey County, MN**

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1707 **St. Paul, MN**
1708
1709
1710 **The Honorable Elizabeth Kautz**
1711 **Mayor, Burnsville, MN**
1712 **Burnsville, MN**
1713
1714 **The Honorable Karen Freeman-Wilson**
1715 **Mayor, Gary, IN**
1716 **Gary, IN**
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1718
1719 **Mr. Kevin Shafer, PE**
1720 **Executive Director, Milwaukee Metropolitan Sewerage District**
1721 **Milwaukee, WI**

1722 **Region 6**

1723
1724 **The Honorable Mark Stodola**
1725 **Mayor, City of Little Rock**
1726 **Little Rock, Arkansas**
1727
1728 **The Honorable Norm Archibald**
1729 **Mayor, City of Abilene, TX**
1730 **Abilene, TX**
1731
1732 **Jeff Witte**
1733 **Secretary of Agriculture, New Mexico**
1734 **New Mexico**
1735
1736
1737 **Dr. Hector Gonzalez, MD**
1738 **Director of Health Department, Laredo, TX**
1739 **Laredo, TX**
1740

1741 **Region 7**

1742
1743 **Teri Goodmann**
1744 **Assistant City Manager, City of Dubuque**
1745 **Dubuque, IA**
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1747 **The Honorable Tom Sloan**
1748 **State House Representative, State of Kansas**
1749 **Kansas**
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1752 **Region 8**

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1754 **The Honorable Andy Beerman**
1755 **City Councilor**
1756 **Park City, UT**

1757 **The Honorable Brad Pierce**
1758 **Council Member, City of Aurora, CO**
1759 **Aurora, CO**
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1761 **Region 9**
1762
1763 **The Honorable Cynthia Koehler**
1764 **Board of Directors, Marin County**
1765 **Marin County, CA**
1766
1767 **The Honorable David Bobzien**
1768 **City Councilmember At-Large - City of Reno**
1769 **Reno, NV**
1770
1771 **The Honorable Mary Casillas Salas**
1772 **Mayor, City of Chula Vista**
1773 **Chula Vista, CA**
1774
1775 **Scott Bouchie**
1776 **Environmental Management and Sustainability Director - City of Mesa**
1777 **Mesa, AZ**
1778
1779 **The Honorable Ryan Sundberg**
1780 **Supervisor, Humboldt County, CA**
1781 **Humboldt County, CA**
1782

1783 **Region 10**

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1785 **Susan Anderson**
1786 **Director, Portland Bureau of Planning and Sustainability**
1787 **Portland, OR**
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1789 **The Honorable Shawn Yanity**
1790 **Chairman, Stillaguamish Tribe**
1791 **Arlington, WA**
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APPENDIX 2

EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE (LGAC) DRAFT CHARGE ON 'WATERS OF THE U.S.' (WOTUS)

OVERVIEW

Background and Description

On February 28, 2017, the President signed the Executive Order on *Restoring the Rule of Law, Federalism, and Economic Growth* by reviewing the "Waters of the United States" Rule (issued June 2015).[8] The Executive Order gives direction to the Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule (CWR) and "publish for notice and comment a proposed rule rescinding or revising the rule." The E.O. also directs that EPA and the Army "shall consider interpreting the term 'navigable waters' in a manner "consistent with Justice Scalia's opinion in *Rapanos* [9]which includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

As part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) will provide its recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

Project Scope

The agencies intend to follow an expeditious two-step process to provide certainty with the rule:

1) Establish the legal status quo by re-codifying the regulation that was in place prior to issuance of the CWR now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.

2) Propose a new definition of Waters of the U.S. that would replace the 2015 CWR that reflects the principles outlined by Justice Scalia (Rapanos plurality opinion).

The LGAC consists of 36 local, state and tribal government elected and appointed officials representing cities, parishes, counties, municipalities, and other local political jurisdictions. Local officials are knowledgeable and provide unique perspectives on issues relating to a revised rule. Further, the LGAC has potential to engage other knowledgeable local officials with unique valuable on-the-ground perspectives and knowledge. Through this collaborative process, the chartered LGAC will provide Administrator Pruitt with expeditious and meaningful advice relating to a revised "Waters of the U.S." rule. Overall, the goal would be to develop recommendations to the EPA for consideration on a revised rule. This advice and recommendations come from an 'on the ground' local government perspective which will assist the agency in providing the best means to communicate a revised rule with local officials.

Charge Issues

LGAC Charge:

The LGAC will develop recommendations for the EPA to consider in developing approaches to a revised rule defining "waters of the U.S." that ensures that the nation's waters are kept free from pollution while at the

[8] https://www.whitehouse.gov/the pres-office/2017/02/28/presidential-exeuctive-order-restoring-rule-law-federalism-and-economic
[9] Rapanos v. United States, 547 U.S. 715 (2006) 126 Supreme Court 2208; 165 L.Ed. 2d 159

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same time promoting economic growth and minimizing regulatory uncertainty. The following are specific charge questions and issues for the LGAC to consider:

Charge Questions

1) How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2) What opportunities and challenges exist for your locality with relying on Justice Scalia's opinion?

3) Are there other approaches to defining "waters of the U.S." that you would like the agencies to consider to providing clarity and regulatory certainty?

4) The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be affected but would not be captured in such an economic analysis?

5) What additional information can you provide from a local government perspective that EPA should be aware of?

6) Are there other issues the agencies should consider which would help ease the regulatory burden for implementation of WOTUS for state, local and tribal government?

7) What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?

8) The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

Deliverables

The LGAC will provide a letter of recommendation to the Administrator to identify approaches to consider in a revised "Waters of the U.S." rule. The chartered LGAC will prioritize and summarize these issues in a report to the EPA that focuses on the charge issues. A final LGAC report will be conveyed to the EPA Administrator with a transmittal letter summarizing findings and recommendations. This Report will be published on the EPA's website for LGAC.

Preliminary Timeline/Schedule

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April 26, 2017 – Executive Committee meets to discuss and approve the LGAC's Charge (Protecting America's Waters Workgroup) and develops a work plan with timeline.

May 3– LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

May 18- LGAC's Protecting America's Waters Workgroup meets with National Intergovernmental organizations to discuss charge (via teleconference).

June 7 – LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

June 29, 2017-The LGAC meets in a public meeting (via teleconference) to review recommendations on rescission of the 2015 CWR and revising the CWR. (Deliverable: Letter of Recommendation)

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Small Community Advisory Subcommittee (SCAS)

Thursday, 29 June, 2017
1:00 pm - 1:50 pm (EDT)
Call in number- Ex. 6 , Conference Code- Ex. 6

SCAS Members:

Commissioner Robert Cope, Chair
Secretary Jeff Witte
Chairman Shawn Yanity
Councilor Andy Beerman
Mayor Johnny Dupree, Vice-Chair
Supervisor Ryan Sundberg
Mayor Bob Dixson
Mr. Rodney Bartlett

Workgroup Agenda

1:00pm — **Introduction/Welcome**
Commissioner Robert Cope, Chairman
Mayor Johnny DuPree, Vice-Chairman

1:05 - 1:10pm — **EPA Updates**
Tate Bennett
Deputy Associate Administrator for Intergovernmental Relations

1:10 -1:15pm — **Agriculture Updates**
Chad Nitsch
State and Regional Partnerships
EPA's Office of Intergovernmental Relations

1:15-1:30pm — **Public Comment**

1:30-1:45pm — **Waters of the US (WOTUS) Update**
Mindy Eisenberg
EPA Office of Water
Office of Wetlands, Oceans and Watersheds

Stacey M Jensen
US Army Corps of Engineers

1:45-1:50pm — **Wrap Up/Next Steps**
Commissioner Robert Cope, Chairman

1:50 pm — **Adjournment**
Commissioner Robert Cope, Chairman

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Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 5/31/2017 5:30:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]; Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: RE: Connecting you
Attachments: 2016 03 04_WI CAFO VTA letter.pdf

You bet.

Whatever works for you all I can make work for me.

See attached correspondence for reference.

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is Ex. 6 and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 0 4 2016

REPLY TO THE ATTENTION OF:

WN-16J

Mr. Mark D. Aquino
Director, Office of Business Support and Science
101 South Webster Street
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Subject: CAFO Vegetative Treatment Areas

Dear Mr. Aquino:

In response to recent discussions between Region 5, Water Enforcement and Compliance Assurance Branch, and Wisconsin Department of Natural Resources, Runoff Management Section, this letter is intended to clarify the application of EPA's Effluent Limitations Guideline (ELG) for concentrated animal feeding operations (CAFOs). More specifically, Region 5 is clarifying how this ELG applies to vegetative treatment areas (VTAs) associated with feed storage areas at CAFOs.

The federal ELG prohibits the discharge of manure, litter, or process wastewater pollutants from production areas at Large CAFOs that are subject to 40 CFR Part 412 Subpart C or D, into waters of the United States. An exception arises when, subject to additional conditions, a discharge is caused by precipitation and consists of an overflow from a structure that is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event. 40 CFR §§ 412.2(g), 412.31(a)(1), 412.32(a), 412.33(a), 412.35(a), 412.43(a), 412.44(a), and 412.45(a). Feed storage areas are part of the production area at CAFOs, and process wastewater includes any water which comes in contact with, among other things, feed, thus the discharge of process wastewater pollutants in runoff from the feed storage area at a CAFO is subject to the "no discharge" performance standard requirement of the ELG. Region 5 is concerned that the use of VTAs and the design standards for VTAs established in a Natural Resources Conservation Service (NRCS) Conservation Practice Standard does not ensure that the required level of performance is being achieved.

During compliance evaluation inspections at Wisconsin CAFOs, Region 5 has documented discharges of manure, litter, and process wastewater pollutants from VTAs to waters of the United States. These discharges are not compliant with the federal ELG or Wisconsin Administrative Code nor are such discharges authorized by the Wisconsin Pollutant Discharge

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Elimination System (WPDES) CAFO permits. 40 CFR §§ 412.31(a), 412.32(a), 412.33(a) and 412.35(a); NR 243.13(2)(a); and WPDES Permit WI-0063274-01 Sections 3.1 and 3.2. Region 5 is finding that CAFOs in Wisconsin are designing VTAs to meet design standards established by NRCS. Based on inspections and field observations, it does not appear to Region 5 that VTAs or the NRCS design standards for VTAs ensure that the required "no discharge" level of performance established in the federal ELG is being achieved.

To the extent that any VTAs are to be used at Large CAFOs to control runoff of process wastewater pollutants from the production area (whether alone or in conjunction with other control technologies or methods), the VTAs need to be designed, constructed, operated and maintained to achieve compliance with the "no discharge" performance standard requirement of the ELG. Review of VTA designs must focus on meeting the ELG performance standard and not just the NRCS design standards. This review should consider operation of the VTA under various conditions such as, but not limited to, when the ground is saturated or frozen, freeze-thaw conditions, likelihood of sufficient winter vegetation, and accumulation of nutrients and other pollutants over time. A CAFO may also request that an alternative performance standard be established in its WPDES permit for its VTA. The alternative performance standard is a separate and distinct exception to the performance based ELG that authorizes a discharge of process wastewater based on a site-specific demonstration. 40 CFR § 412.31(a)(2) and NR 243.13(2)(b). For additional EPA guidance on this subject, see the National Pollutant Discharge Elimination System Permit Writers' Manual for Concentrated Animal Feeding Operations, Appendix F ("Voluntary Alternative Performance Standards for CAFOs").

If you have any additional questions concerning this matter please feel free to contact me directly. Your staff may also contact either Cheryl Burdett or Julianne Socha, of my staff, at (312)-886-1463 or (312) 886-4436, respectively.

Sincerely,

Tinka G Hyde
Director, Water Division

cc: Pamela Biersach, Director, Bureau of Watershed Management
Mary Anne Lowndes, Chief, Runoff Management Section

Message

From: Bachmeier, Levi [lebachmeier@nd.gov]
Sent: 7/5/2017 8:45:09 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Re: ND Tentative Schedule.

1. Hotel Donaldson in Fargo
2. We can fit 7 on the plane if someone doesn't mind sitting on the pseudo-toilet. We call it the staff seat.

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Monday, July 3, 2017 5:30 PM
To: Bachmeier, Levi; Levi Bachmeier
Cc: Wilcox, Jahan
Subject: RE: ND Tentative Schedule.

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hey! Thanks for taking my call. I took a stab at a very rough draft of an agenda. Feel free to edit!

I guess my only other question for now are

1) Do you have a hotel recommendation in Fargo?
2) How many staff can travel in the plane/ what type of plane is it (our Security Detail will ask). We might send two different crews of staff to each event. Defer to Jahan on communications plan.

Tuesday, August 8th Security Detail to advance the two locations

Afternoon- Pruitt arrive in Fargo from Sioux City, IA. Dinner with Governor Burgum in Fargo. Location/Time TBD

Wednesday, August 9th

9 AM- WOTUS Roundtable at North Dakota State University (NDSU) College of Agriculture. Local farm interest groups invited as well as ND Ag Commissioner Goehring. Also, Pruitt told Sen. Hoeven he would let him know when he visited the state. Let us know if you have any issues on any of the aforementioned fronts.

11 AM- Depart for Grand Forks

12:30/ 1 PM- Begin tour and subsequent roundtable of EERC. Invite local electric co-ops, other utility players (?). Invite DEQ

4 PM- Administrator Pruitt departs for airport to travel to Oklahoma

Message

From: Beth Graves [bgraves@ecos.org]
Sent: 6/21/2017 2:19:44 PM
To: Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Luffberry.Michael@epa.gov; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Patrick K - DNR Stevens [Patrick.Stevens@wisconsin.gov]; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Stine, John (MPCA) [john.stine@state.mn.us]; Alexandra Dunn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userfa6cd8fb]; gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine Boyd [Elaine.Boyd@tn.gov]; Wendy Waskin [Wendy.Waskin@des.nh.gov]; Pamela Mckinney [pamela.mckinney@tceq.texas.gov]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; Owen McAleer [omcaleer@ecos.org]; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]
Subject: state ECOS Planning Committee leaders input on early draft FY18-19 NEPPS NPM Guidance

Mike,

On behalf of the state ECOS Planning Committee leaders, thank you and other EPA senior staff for the opportunity to preview the FY18-19 NEPPS NPM Guidance prior to its availability to the public.

Overall, states appreciate the emphasis on business process improvement and Lean, streamlining, and flexibility. These are consistent with conversations between states and EPA through the ECOS Partnership and Performance Workgroup and other discussions.

States also offer a few reflections for your consideration, recognizing that the document will be available soon for the public review and comment period.

- States appreciate the overall tone of the document.
- In discussions of actions on pages 4-6, these are directed towards EPA Regional Offices. OCIR may wish to consider asking regions to share with your office all state and tribal requests made for flexibility, innovation and creativity and regional office responses to these requests. This may support more consistent implementation of the NEPPS Guidance across all EPA regional offices.

- OCIR may wish to consider establishing a metric to measure what success would look like related to implementation of flexibility. A metric may also help establish for EPA regional offices what practices are across offices and the potential to transfer best practices as appropriate.
- On page 8, there is a section, "Ensure that grantee performance in PPGs is assessed consistently and in compliance with relevant grant regulations." The current draft text lists significant secondary remedies to address grantee performance issues. ECOS recommends adding language to reference the primary actions the grantor should take (found in §200.207) before moving to the secondary actions (found in §200.338). Both citations would be applicable to the example given in this section of NEPPS.

> *The Regions should address grantee performance issues (e.g., when deliverables are not met and funds have been expended)* by imposing additional conditions as described in 2 CFR §200.207. Should the Region determine that noncompliance cannot be remedied by imposing additional conditions, the Region may take appropriate action as described in ~~*existing remedies available*~~ *2 CFR §200.338 which lists actions that EPA may take against the grantee.*

- States recommend the list of GPIs on page 9 should also include Grant Policy Issuance (GPI) 08-04: State Grant Cost Review which streamlines cost review procedures for state grants awarded under 40 CFR Part 35 Subpart A and other specified state Continuing Environmental Program Grants. The procedures apply to state applicants that submitted an adequate internal controls assurance concerning their personnel and travel management systems and were not deemed high-risk. GPI 08-04 also includes flexibility in cost reviews specific to PPGs.
- States appreciate on page 4, in the fourth paragraph, reference to the ECOS State Measures Project and recommend adding language to include other documented environmental trends such as:

> Regions are also encouraged to discuss with states how to implement actions through NEPPS that align with the ECOS State Measures Project *and other state documented environmental measures and trends.*

Again, on behalf of state ECOS Planning Committee leaders, thank you for the opportunity to review this early draft and to offer state reflections.

Beth Graves

--
Beth Graves
Senior Project Manager
ECOS
Ex. 6
bgraves@ecos.org
Twitter: @ECOStates
To learn more about E-Enterprise for the Environment, visit http://E-EnterprisefortheEnvironment.net/

Message

From: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Sent: 6/27/2017 12:51:19 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Fw: Illinois Submission on WOTUS rule
Attachments: Illinois%20Federalism%20Consultation%20for%20E.O.%2013778 copy.pdf

Sorry, Tate, for being late and for misspelling your name! Kathy

---

From: Lydon, Kathy
Sent: Monday, June 26, 2017 8:49 PM
To: bennet.tate@epa.gov; hanson.andrew@epa.gov; cwawotus@epa.gov
Cc: Messina, Alec
Subject: Illinois Submission on WOTUS rule

EPA Officials: please accept the attached comments from the state of Illinois on the proposed changes to the WOTUS rule. Many thanks for allowing us to comment. Please call if any questions, Kathy Lydon

Kathy Lydon
Deputy Chief of Staff for Federal Affairs
Governor Bruce Rauner, State of Illinois
o
c

Ex. 6

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

June 26, 2017

Via E-Mail: Hanson.Andrew@epa.gov and CWAwotus@epa.gov

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, NOW
Washington, DC 20460

Douglas W. Lamont, P.E.
Senior Official Performing the Duties of the Assistant Secretary of the Army
108 Army Pentagon
Washington, DC 20310-0108

Re: Federalism Consultation for Executive Order 13778
Waters of the United States Rule

Dear Administrator Pruitt and Mr. Lamont:

The State of Illinois appreciates the opportunity to provide input on the proposed approach in Presidential Executive Order No. 13778 ("Executive Order") for revising the definition of waters of the United States (*Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)).*

Through the Illinois Environmental Protection Agency ("Illinois EPA") and other state agencies, the State of Illinois has been delegated authority from the United States Environmental Protection Agency and United States Department of the Army ("Federal Agencies") to operate major Clean Water Act programs. The Illinois EPA manages a comprehensive water quality program, which includes surface water and groundwater quality monitoring, operation of the NPDES permitting program, inspection of pollution sources and citizen complaints, compliance monitoring of regulatory standards, and enforcement of applicable requirements. With over 106,000 miles of streams within state boundaries, as well as more than 90,000 lakes and ponds, the State of Illinois believes it is of the upmost importance that the Federal Agencies promulgate a rule defining "waters of the United States" in a manner that fulfills the Executive Order's goal of keeping waters free from pollution, while promoting economic growth and minimizing regulatory uncertainty.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120
9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER

Of all the stated goals in the Executive Order, it is critical that the Federal Agencies provide regulatory certainty regarding the definition of "waters of the United States" in the most expeditious timeframe possible. Regulatory certainty is vital, not only to those of us that are tasked with enforcing environmental regulations, but also to the regulated community that must have the ability to plan for environmental compliance while seeking to remain competitive in the current economy and provide jobs across the state. To that end, the State of Illinois recommends that the Federal Agencies withdraw the Clean Water Rule due to its potentially expansive nature and uncertain interpretation. The Clean Water Rule admirably attempts to provide regulatory certainty with its definition of "waters of the United States"; however, the Rule is mired in litigation and opposed by a wide variety of industry groups. To protect waters within our State's borders, the State of Illinois can effectively apply currently existing rules through the application of USEPA's 2003 and 2008 guidance, as well as the U.S. Supreme Court decisions in *SWANNC* and *Rapanos*.

If the decision is made to revise the definition of "waters of the United States," it is recommended that the Federal Agencies develop their own independent interpretation by conducting a thorough review of congressional intent and judicial interpretation, including Justice Scalia's opinion in *Rapanos*, rather than relying strictly on one judge's view. Additionally, the State of Illinois requests that the following comments be taken under consideration.

First, the State of Illinois acknowledges that federal jurisdiction extends somewhat beyond navigable waters to certain non-navigable waterbodies and wetlands. In defining those non-navigable waterbodies or wetlands that are "waters of the United States," the Federal Agencies should focus on water features that are identifiable based on clear, objective characteristics, to provide clarity and certainty to regulators and the public.

Second, it is critically important that any new rule provide states with clear guidelines that will allow for the effective implementation of the terms "relatively permanent" and "continuous surface connection." Recognition should be given to the fact that each state has its own specific topography, hydrologic conditions and water quality concerns. Strict definitions, such as those used in the Clean Water Rule, will be difficult to apply on a uniform basis across the country because of state-specific conditions. Rather, the Federal Agencies should explore the creation of criteria and guiding principles for defining "waters of the United States" that would allow states much needed flexibility in determining whether a particular body of water is "relatively permanent" or has a "continuous surface connection." This type of definition, which would be based on objectively identifiable characteristics and state-specific conditions, will go a long way towards avoiding litigation and other costs that divert scarce resources from protecting state and federal waters.

Third, any revised definition of "waters of the United States" should retain the existing, long-standing codified exclusions, including the exclusion for pits and quarries and waste water

treatment systems, which are heavily relied upon by mining and other industries to manage on-site waters in a manner consistent with all applicable state water quality standards.

Finally, because of the challenges that may exist in utilizing a Justice Scalia approach to defining "waters of the United States," as well as the need to take into account state-specific hydrologic and water quality issues, the State of Illinois encourages the Federal Agencies to work closely with states in the development of a replacement for the Clean Water Rule. A close working relationship between state and federal governments would respect the fundamental principle of cooperative federalism that is at the heart of recognizing the vital role of states in implementing the Clean Water Act. Further coordination and consultation with the regulated community would lead to a greater understanding of the specific issues affecting states, and lend further credibility to the rulemaking process, both of which would ultimately strengthen any replacement to the Clean Water Rule.

Thank you again for the opportunity to comment on the Executive Order's proposed approach to revising the definition of "waters of the United States" and the State of Illinois looks forward to further consultation with the Federal Agencies as this process continues.

Cordially,

Alec Messina
Director

Message

From: John Mitchell [KDHE] [John.Mitchell@ks.gov]
Sent: 7/10/2017 1:13:47 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Touching base re Office of Water

Tate,

You can also work with Donna, my assistant to schedule something later in the week. She can be reached at Ex. 6 Ex. 6

John Mitchell

Director, Division of Environment
Kansas Department of Health and Environment
1000 SW Jackson, Suite 400
Topeka, KS 66612-1367

Ex. 6

Please note that my email address and Fax Number have changed: My new email address is:

John.Mitchell@ks.gov

My new Fax Number is:

785-559-4263

Kansas
Department of Health
and Environment

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Sunday, July 09, 2017 9:02 PM
To: John Mitchell [KDHE] <John.Mitchell@ks.gov>
Subject: Touching base re Office of Water

Hi John,

Any chance you have time for a quick call tomorrow AM or is there a good person in your immediate office that I can speak to r.e. getting time on your calendar later this week with our Office of Water? Just let me know what times do or don't work/a good number?

Thanks in advance.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/12/2017 3:10:09 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Thanks Tate.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:32 AM
To: Bennett, Tate
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 s my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

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To: michael.roche@mo.gov
Subject: Undeliverable: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."
Attachments: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

Your message
To: Bennett, Tate
CC: Cory, Preston (Katherine)
Subject: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."
Sent: 6/27/2017 6:26:44 PM

Delivery has failed to these recipients or groups:

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michael.roche@mo.gov
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X-FireEye: Clean
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>
Subject: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."
Thread-Topic: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."
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39860400002)(3280700002)(478600001)(3660700001)(50986999)(9686003)(7416002)(8676002)(6306
002)(966005)(189998001)(66066001)(236005)(72206003)(54896002)(8656002)(33656002)(56603000
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UT;SFP:1102;SCL:1;SRVR:BL2PR09MB0129;H:BL2PR09MB0129.namprd09.prod.outlook.com;FPR:;SPF:N
one;MLV:ovrnspm;PTR:InfoNoRecords;LANG:en;
spamdiagnosticoutput: 1:99
spamdiagnosticmetadata: NSPM
Content-Type: multipart/related;
        boundary="_004_BL2PR09MB01294CDCF4353902B7F5B4F396DC0BL2PR09MB0129namp_";
        type="multipart/alternative"
MIME-Version: 1.0
X-MS-Exchange-CrossTenant-originalarrivaltime: 27 Jun 2017 18:26:44.9556
 (UTC)
X-MS-Exchange-CrossTenant-fromentityheader: Hosted
X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7
X-MS-Exchange-Transport-CrossTenantHeadersStamped: BL2PR09MB0129
X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:,, definitions=2017-06-
27_10:,,
 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 suspectscore=0
 malwarescore=0 phishscore=0 adultscore=0 bulkscore=4 classifier=spam
 adjust=0 reason=mlx scancount=1 engine=8.0.1-1703280000
 definitions=main-1706270292
Return-Path: Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/27/2017 6:26:44 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

Good afternoon! This Federal Register notice was just signed by Administrator Pruitt. Let us know if you have any questions.

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

WASHINGTON - (June 27, 2017) The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

"**We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,**" said Administrator Scott Pruitt. "**This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.**"

This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the Executive Order.

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " said Mr. Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.

For the pre-publication Federal Register Notice and additional information: http://www.epa.gov/wotus-rule

Visit The EPA's Newsroom

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Beth Tipps [Beth.Tipps@tn.gov]
Sent: 5/31/2017 2:13:02 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: TN gasoline request and Sen. Corker's interest

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 8:41 AM
To: Beth Tipps
Subject: TN gasoline request and Sen. Corker's interest

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. ***

And here is the letter you all originally send us on the topic.

Message

From: John Mitchell [KDHE] [John.Mitchell@ks.gov]
Sent: 7/10/2017 1:06:11 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Touching base re Office of Water

Tate,

I am available any time between 10:30 and noon eastern time today.

John Mitchell

Director, Division of Environment
Kansas Department of Health and Environment
1000 SW Jackson, Suite 400
Topeka, KS 66612-1367

Ex. 6

Please note that my email address and Fax Number have changed: My new email address is:

John.Mitchell@ks.gov

My new Fax Number is:

785-559-4263

Kansas
Department of Health
and Environment

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Sunday, July 09, 2017 9:02 PM
To: John Mitchell [KDHE] <John.Mitchell@ks.gov>
Subject: Touching base re Office of Water

Hi John,

Any chance you have time for a quick call tomorrow AM or is there a good person in your immediate office that I can speak to r.e. getting time on your calendar later this week with our Office of Water? Just let me know what times do or don't work/a good number?

Thanks in advance.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/1/2017 2:49:08 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: Connecting you

That works!

On Jun 1, 2017, at 9:25 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Hey Quinn – I apologize but we are going to have to push this until tomorrow as both Tate and Sarah's schedules got backed up this morning. To play it on the safe side would you be able to do tomorrow (Friday) afternoon say 3:30 or 4:00 ET? We shouldn't run into any issues then.
>
> Alex
>
> ---
>
> **From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
> **Sent:** Wednesday, May 31, 2017 7:32 PM
> **To:** Dominguez, Alexander <dominguez.alexander@epa.gov>
> **Cc:** Bennett, Tate <Bennett.Tate@epa.gov>; Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
> **Subject:** Re: Connecting you
>
> Perfect!
>
> On May 31, 2017, at 6:27 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:
>
>> 11AM Eastern time. Looking forward to it.
>>
>> ---
>>
>> **From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
>> **Sent:** Wednesday, May 31, 2017 6:26 PM
>> **To:** Dominguez, Alexander <dominguez.alexander@epa.gov>
>> **Cc:** Bennett, Tate <Bennett.Tate@epa.gov>; Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
>> **Subject:** Re: Connecting you
>>
>> 11:00 am cst or est?
>>
>> I can make either work
>>
>> On May 31, 2017, at 4:05 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:
>>
>>> Apologies Sarah can't do 2:00 anymore tomorrow – would 11:00AM work?
>>>
>>> Alex

From: Dominguez, Alexander
Sent: Wednesday, May 31, 2017 3:15 PM
To: 'Williams, Quinn L - DNR' <Quinn.Williams@wisconsin.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Connecting you

Thanks for the introduction Tate.

Could everyone do tomorrow, June 1, at 2:00?

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency

From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 1:30 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>
Subject: RE: Connecting you

You bet.

Whatever works for you all I can make work for me.

See attached correspondence for reference.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is **Ex. 6** and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Gage, Taylor [taylor.gage@nebraska.gov]
Sent: 6/28/2017 1:30:06 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: fyi - Nebraska AG WOTUS Statement

FYI

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: AGO Media [mailto:AGO-MEDIA@LISTSERV.NEBRASKA.GOV] **On Behalf Of** Gage, Suzanne
Sent: Tuesday, June 27, 2017 4:12 PM
To: AGO-MEDIA@LISTSERV.NEBRASKA.GOV
Subject: IMMEDIATE RELEASE--WOTUS

Attorney General Doug Peterson

News Release

Lincoln--Attorney General Doug Peterson welcomed the news that the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) are proposing a rule to rescind the Clean Water Rule and restore the regulatory text that existed prior to 2015 when “waters of the U.S.” (or WOTUS) were redefined.

"Today’s action by the EPA provides for farmers, ranchers, and landowners in Nebraska who will be able to operate with greater understanding, unburdened by unnecessary regulation and obstacles,” said General Peterson.

The 2015 rule attempted to greatly expand and bring numerous isolated bodies of water under the jurisdiction of the EPA and Corps resulting in landowners needing to secure additional federal permits or face substantial fines and federal criminal enforcement actions.

In June 2015, General Peterson joined with Attorneys General from twelve other states in filing a lawsuit against the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers when the new rule was released.

"It is the individual State's primary responsibility to regulate land and water resources and Nebraska has a history of environmentally protecting its lands," added General Peterson, "Today's action pushes back on federal authority over private lands."

###

Suzanne Gage
Director of Communications
Nebraska Attorney General
Office: Ex. 6
Mobile:
Suzanne.gage@nebraska.gov

To unsubscribe from the AGO-MEDIA list, click the following link:
&*TICKET_URL(AGO-MEDIA,SIGNOFF);

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 5/30/2017 4:16:13 PM
To: james.ross@state.nm.us
Subject: Undeliverable: Coffee?
Attachments: Coffee?

Your message
To: james.ross@state.nm.us
Subject: Coffee?
Sent: 5/30/2017 4:16:12 PM

Your message to james.ross@state.nm.us couldn't be delivered.

james.ross wasn't found at state.nm.us, or the mailbox is unavailable.

Bennett.Tate	Office 365	james.ross
Action Required		Recipient

Unknown To address

How to Fix It

The email address might be misspelled or it might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message -** If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message -** If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of this article. Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.

- **Contact the recipient by some other means,** (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.351

When Office 365 tried to send the message, the external email server returned an error stating that the recipient is unknown or the mailbox is unavailable. This error was reported by an email server outside Office 365.

If you or the sender can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. To determine who the responsible party might be, check the error for information about where the problem is happening. For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

Although the sender might be able to fix the issue by correcting the recipient address, it's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	5/30/2017 4:16:12 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	james.ross@state.nm.us
Subject:	Coffee?

Error Details

Reported error:	*550 5.1.351 Remote server returned unknown recipient or mailbox unavailable -> 550 Invalid recipient <james.ross@state.nm.us> (#5.1.1)*
DSN generated by:	BY2PR09MB1125.namprd09.prod.outlook.com
Remote server:	server-10.tower-95.messagelabs.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	5/30/2017 4:16:12 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1125.namprd09.prod.outlook.com	mapi

2	5/30/2017 4:16:12 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1125.namprd09.prod.outlook.com	Microsoft SMTP Server cipher=TLS_ECDHE_RSA

Original Message Headers


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DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
 bh=ZDRULs78KZw0mMy6b6JlqcY4eBfH70vzlnCkEHxQ69E=;

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Received: from BY2PR09MB1125.namprd09.prod.outlook.com (10.166.116.21) by
 BY2PR09MB1125.namprd09.prod.outlook.com (10.166.116.21) with Microsoft SMTP
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 15.1.1124.9; Tue, 30 May 2017 16:16:12 +0000
Received: from BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) by
 BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) with mapi id
 15.01.1124.020; Tue, 30 May 2017 16:16:12 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "james.ross@state.nm.us" <james.ross@state.nm.us>
Subject: Coffee?
Thread-Topic: Coffee?
Thread-Index: AdLZYAD7UaGYvnyGS6qooPoKzErO/g==
Date: Tue, 30 May 2017 16:16:12 +0000
Message-ID:
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Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: state.nm.us; dkim=none (message not signed)
 header.d=none;state.nm.us; dmarc=none action=none header.from=epa.gov;
x-originating-ip: [161.80.88.117]
x-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
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UriScan:;BCL:0;PCL:0;RULEID:(22001)(2017030254075)(201703131423075)(201703031133081);SRVR
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spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/alternative;

boundary="_000_BY2PR09MB11258DCB0F1A3EBB356F83E796F00BY2PR09MB1125namp_"

MIME-Version: 1.0

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 30 May 2017 16:16:12.0605
(UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1125

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 4:16:12 PM
To: james.ross@state.nm.us
Subject: Coffee?

Hi James! Just wanted to touch base and see if there would be a good time to grab coffee and catch up this week? Happy to travel to somewhere close to you if you are in the Hall of States. -Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 7/5/2017 7:31:01 PM
To: 'rolauf@nd.gov' [rolauf@nd.gov]
Subject: Undeliverable: EPA Proposes RFS Volumes Reflective of Market Realities for 2018 - Preview
Attachments: EPA Proposes RFS Volumes Reflective of Market Realities for 2018 - Preview

Your message
To: Bennett, Tate
CC: Cory, Preston (Katherine)
Subject: EPA Proposes RFS Volumes Reflective of Market Realities for 2018 - Preview
Sent: 7/5/2017 7:30:56 PM

Your message to rolauf@nd.gov couldn't be delivered.

When Office 365 tried to send your message, the receiving email server outside Office 365 reported an error.

Bennett.Tate	**Office 365**	**rolauf**
Sender		**Action Required**
		Policy violation or system error

How to Fix It

Check the "Reported Error" from the "Error Details" section shown below for more information about the problem. The error might tell you what went wrong and how to fix it. For example, if the error states that the message was blocked due to a potential virus or because the message was too large, try sending the message again without attachments.

If you're not able to fix the problem, it's likely that only the recipient's email admin can fix it. Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin about the problem. Give them the "Reported Error" from the "Error Details" section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.0.350

The error reported by the receiving server wasn't specific enough to determine the exact nature of the problem. These errors often indicate the message violates a security or policy setting configured on the recipient's email servers.

If the sender is unable to fix the problem by modifying their message, then it's likely a problem that only the recipient's email admin can fix. Try the following:

Check the error for information about the problem - The "Reported Error" returned by the external email server can be found in the "Error Details" section below. This error might tell you what went wrong and provide clues for how to fix it. For example, if the error states the message was rejected due a Sender Policy Framework (SPF) issue, then you'll have to work with your domain registrar to correctly configure your domain's SPF records.

Check the error for information about where the problem is happening - For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

If you can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. For security or policy violation issues, it might be sufficient for them to just add your sending IP addresses or domain to their allowed senders list.

It's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	7/5/2017 7:30:56 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	rolauf@nd.gov
Subject:	EPA Proposes RFS Volumes Reflective of Market Realities for 2018 - Preview

Error Details

Reported error:	*550 5.0.350 Remote server returned an error -> 550 #5.1.0 Address rejected.*
DSN generated by:	BL2PR09MB1074.namprd09.prod.outlook.com
Remote server:	itdmx1.itd.nd.gov

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	7/5/2017 7:30:56 PM	BL2PR09MB0129.namprd09.prod.outlook.com	BL2PR09MB0129.namprd09.prod.outlook.com	mapi
2	7/5/2017 7:30:55 PM	BL2PR09MB0129.namprd09.prod.outlook.com	BL2PR09MB1074.namprd09.prod.outlook.com	Microsoft SMTP Server (cipher=TLS_ECDHE_RSA

Original Message Headers

```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
```

s=selector1-epa-gov;
h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
bh=WXnWZiyP3QR97HGFT4A/zqk0wEmUfTWxM5UGwllXah4=;

b=VADCGEOkgPZd5vrcF63GGwMExfZljXC8ySyflWp/prEAGd2jchtr+PXyqkTSkgxJmtqOG8hnGP8dTbkeV7WBPTz
VHnDXTKGzmPX4D9B4xSSKO9IUReZhP7i++pat12WTvtihzQHFxMMAKjTzl1KlQMTuzDhWbEpo84E7I5XKbgc=
Received: from BL2PR09MB0129.namprd09.prod.outlook.com (10.255.233.139) by
BL2PR09MB1074.namprd09.prod.outlook.com (10.167.102.138) with Microsoft SMTP
Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_128_CBC_SHA256_P256) id
15.1.1220.11; Wed, 5 Jul 2017 19:30:55 +0000
Received: from BL2PR09MB0129.namprd09.prod.outlook.com
([fe80::a5f7:d5af:7a91:845d]) by BL2PR09MB0129.namprd09.prod.outlook.com
([fe80::a5f7:d5af:7a91:845d%14]) with mapi id 15.01.1240.013; Wed, 5 Jul 2017
19:30:56 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>
Subject: EPA Proposes RFS Volumes Reflective of Market Realities for 2018 -
Preview
Thread-Topic: EPA Proposes RFS Volumes Reflective of Market Realities for 2018
- Preview
Thread-Index: AQHS9b627URes/GZL0CDngbTFQiPE6JFkg7AgAAEsAA=
Date: Wed, 5 Jul 2017 19:30:56 +0000
Message-ID:
<BL2PR09MB0129E07C3FE4D744D30EC8A696D40@BL2PR09MB0129.namprd09.prod.outlook.com>
References: <cm.0443166299304.khfjtd.l.d@cmail20.com>
<BY2PR09MB027983451DC46092B3E1FDB29AD40@BY2PR09MB0279.namprd09.prod.outlook.com>
In-Reply-To:
<BY2PR09MB027983451DC46092B3E1FDB29AD40@BY2PR09MB0279.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
authentication-results: spf=none (sender IP is)
smtp.mailfrom=Bennett.Tate@epa.gov;
x-originating-ip: [161.80.88.117]
x-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
1;BL2PR09MB1074;7:hft/7ZD6KXZr0znBaD/meGSbioSAuKMJYpIVrZsuhCpcfHP3epFiHGGlApljkAjPPPOTiXW
sQ+iEbvJxK7kZ7gxQ/pv4NXH15kjI32ZUBW+akit2V6LYQeIUW9t0r6aJ4o3ZHq9Tj5r8nQbzlnMK5EzacSGznNSP
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Jvplc55yVydSzUSpxtgjgOihhVz3BpY/3Oy8LFghKTA70wMBB0FdvolKHgZP1slnMXQGojfjL4cU9E+Ja6UJLmsIN
QfycXVU/OBXOmeGeuKxAgIvMQYmsetpH3fFqfrkQtwLZVmtDCMGBdLxX58WPKBatD5+HpuXnAlEO3r4lNzkraXVIE
PFmD8Q3sJgHZHQdsaztMirN8vwYtB59oKo2NndPbFraJPnl5hw99aFOc6352IUGL7qAd5spYpkWyor6lMDaPDkzAC
z7UfJWx2yccAXOC2t2PvK50VZip8HeY1XvgZZyeDW5qKzb6VOqMVZwY9wCkdTLqgOpVBGCdbZbIr5fubC3P7fkGp6
Kg6wcY2nIyK2pxV85k7B35oleIulsdzeb6ZtO2pmvJnnqXu4G3Dg2mslHwu5KcJo4ZUhSvAJkV4y8Cc35iwda9urY
AwnXhvPsPLQP5baVcLlcs5MOsU9G/POnNF2I4h0tWHZYB133YoY7umLlvAoXhXWS7bjguqjyn798F90TcJMwpk10B
TosGwJTEBEycGu7+VrRKP7d/4i6I=
x-ms-office365-filtering-correlation-id: b63db7fd-61a7-4edf-ef20-08d4c3dc5ba5
x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(300000500095)(300135000095)(300000501095)(300135300095)(2200

1)(300000502095)(300135100095)(2017030254075)(300000503095)(300135400095)(2017052603031)(49563074)(201703131423075)(201703031133081)(300000504095)(300135200095)(300000505095)(300135600095)(300000506095)(300135500095);SRVR:BL2PR09MB1074;

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x-ld-processed: 88b378b3-6748-4867-acf9-76aacbeca6a7,ExtAddr

x-microsoft-antispam-prvs:
<BL2PR09MB10743F99433191FCF01D251696D40@BL2PR09MB1074.namprd09.prod.outlook.com>

x-exchange-antispam-report-test:
UriScan:(151999592597050)(4033996870829)(263882249023172)(236129657087228)(192374486261705)(131327999870524)(148574349560750)(217480630521 55)(229425074694992)(261320762254229);

x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(100000700101)(100105000095)(100000701101)(100105300095)(100000702101)(100105100095)(102415395)(6040450)(601004)(2401047)(5005006)(8121501046)(3002001)(10201501046)(93006095)(93001095)(100000703101)(100105400095)(6041248)(201703131423075)(201702281528075)(201703061421075)(201703061406153)(20161123564025)(20161123555025)(20161123558100)(20161123562025)(20161123560025)(6072148)(100000704101)(100105200095)(100000705101)(100105500095);SPVR:BL2PR09MB1074;BCL:0;PCL:0;RULEID:(100000800101)(100110000095)(100000801101)(100110300095)(100000802101)(100110100095)(100000803101)(100110400095)(100000804101)(100110200095)(100000805101)(100110500095);SPVR:BL2PR09MB1074;

x-forefront-prvs: 0359162B6D

x-forefront-antispam-report:
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received-spf: None (protection.outlook.com: epa.gov does not designate
 permitted sender hosts)

spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/related;
        boundary="_004_BL2PR09MB0129E07C3FE4D744D30EC8A696D40BL2PR09MB0129namp_";
        type="multipart/alternative"

MIME-Version: 1.0

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 05 Jul 2017 19:30:56.1874
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BL2PR09MB1074

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/5/2017 7:30:56 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: EPA Proposes RFS Volumes Reflective of Market Realities for 2018 - Preview

EPA Proposes RFS Volumes Reflective of Market Realities for 2018

Starting Technical Analysis to Inform Future Reset Rules

WASHINGTON - (July 5, 2017) Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today's action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels.

EPA is committed to successfully administering the RFS consistent with the direction entrusted to the Agency by Congress and is on track to meet the November 30th statutory deadline to make today's proposed Renewable Volume Obligations (RVOs) final. The proposed volumes are based on requirements under the law and an analysis of current market dynamics, including energy demand, biofuel production, and market constraints. The proposed standards will help stabilize the renewable fuels program and provide certainty for stakeholders.

"Increased fuel security is an important component of the path toward American energy dominance," said EPA Administrator Scott Pruitt. **"We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program."**

Some key elements of today's action:

- Non-advanced or "conventional" renewable fuel volumes are maintained at the **15-billion gallon** target set by Congress.

- The biomass-based diesel standard for 2019 would be maintained at the 2018 levels of **2.1 billion gallons.**

- EPA is beginning technical analysis that will inform a future rule to reset the statutory volumes for cellulosic, advanced, and total biofuels. The law requires this reset when certain conditions are met.

EPA is also taking comment on addressing concerns that some RFS obligations are increasingly met with imported fuel from Brazil, Argentina and Indonesia. Additionally, the Agency is assessing higher levels of ethanol-free gasoline and bolstering an existing MOU with the Commodity Future Trading Commission (CTCF) to analyze and address a host of market concerns, including the need for increased transparency.

"The Clean Air Act requires EPA to reset volume targets when certain conditions are met. We expect those conditions to be met in the near future, so we are conducting technical analysis now, to inform future reset rules," said Administrator Pruitt.

Proposed and Final Renewable Fuel Volume Requirements for 2014-2019

	2017	Proposed 2018	Proposed 2019
Cellulosic biofuel (million gallons):	311	238	n/a
Biomass-based diesel (billion gallons):	2.0	2.1*	2.1
Advanced biofuel (billion gallons):	4.28	4.24	n/a
Renewable fuel (billion gallons):	19.28	19.24	n/a

*Biomass-based diesel standard is final for 2018.

For more information on today's announcement, go to: https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

Unsubscribe

Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 6/26/2017 8:44:22 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: WOTUS- Do not forward, please.

THANK YOU

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, June 26, 2017 4:39 PM
To: Bennett, Tate
Cc: Cory, Preston (Katherine)
Subject: WOTUS- Do not forward, please.

All-

Administrator Pruitt could potentially sign a Federal Register notice as early as tomorrow afternoon proposing a rule to repeal the 2015 WOTUS final rule.

Knowing of the importance of this issue to your state/office, we just wanted to flag now so your teams can plan any releases/statements accordingly. We will circle back with an update tomorrow.

Below are a few notes on the FR notice, and please let us know if you have any questions in the meantime.

Best.

Tate Bennett

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Direct : Ex. 6

--The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to repeal the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States."

--This action would provide regulatory continuity and certainty in the interim pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States."

--The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

--This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

--The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due

regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

--The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

--The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the Executive Order.

Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 6/13/2017 5:15:39 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Hi there

Great! Hope you were able to connect. I'm here for questions anytime. Have a great day, Jayne

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, June 13, 2017 8:51 AM
To: Millerick, Jayne
Subject: RE: Hi there

Giving her a buzz this AM. Thank you, Jayne!

-----Original Message-----
From: Millerick, Jayne [mailto:Jayne.Millerick@nh.gov]
Sent: Monday, June 12, 2017 9:47 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Hi there

Hi Tate - great meeting you too! We really appreciated your time today and that of your team. We also appreciate the quick follow up. Please call our Commissioner of Transportation, Victoria Sheehan, anytime. She is expecting your call and can be reached on her cell phone at Ex. 6 Please circle back if I can be of assistance anytime as well at Ex. 6
Have a great evening.
Jayne

Sent with Good (www.good.com)

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Monday, June 12, 2017 5:32:51 PM
To: Millerick, Jayne
Subject: Hi there

Hey Jayne!

It was nice of you to meet with us today. Thanks for bringing the Governor by. The Administrator wants to be helpful and I have a follow up question on the NEPA/hwy issue? Is there a good person over there I can talk to tonight or in the AM? A name and number would be great or an intro e-mail.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs Office of the Administrator U.S. Environmental Protection Agency

Message

From: Larry Pearce [larry@governorscoalition.org]
Sent: 5/9/2017 3:20:36 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Todd Sneller [todd.sneller@nebraska.gov]
Subject: Re: Governors' Thank You Letter to Administrator Pruitt (May 8, 2017)

Tate,
Thanks for your prompt response, but we'll need to do the call after June 1, which I should have mentioned in my note. Most of the state legislatures are in session until early June and that's a major distraction for senior state officials who should be on the call.
I'll get back to you as soon as we have some possible dates to suggest.
Thanks.

Larry

On May 9, 2017, at 9:30 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

I could do Friday late afternoon. What works best for the group?

From: Larry Pearce [mailto:larry@governorscoalition.org]
Sent: Tuesday, May 9, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Todd Sneller <todd.sneller@nebraska.gov>
Subject: Governors' Thank You Letter to Administrator Pruitt (May 8, 2017)

Tate,
Attached is the governors' thank you letter to Administrator Pruitt. Please share a copy with the Administrator. You and Troy are copied on the letter.
We should schedule a conference call with a small group of staff who will help address the governors' suggested regulatory modifications. I've attached the call's briefing memo and governors' letter to President Trump which identifies most of the measures the governors discussed during the call.
Please suggest possible times for a call with EPA staff at you convenience.
We look forward to a collaborative and productive working relationship with you and your colleagues.

Larry

<image001.jpg>

larry@governorscoalition.org
Ex. 6 direct
cell

Larry Pearce Executive Director Governors' BioFuels Coalition	P.O. Box 94922 Lincoln, NE 68509 www.GovernorsBiofuelsCoalition.org

Message

From: Shawn Yanity [syanity@stillaguamish.com]
Sent: 6/14/2017 9:24:02 PM
To: Matthews, Demond [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=daf7e6eec58841df8b3236d8ccc400d6-Matthews, D]; Aromero@nmda.nmsu.edu; jordan@burlingtonvt.gov; rbartlett@peterboroughnh.gov; andy@parkcity.org; Eargle, Frances [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a63fca70ff3944cebf60b10b80a2acb6-FEargle]; Don Larson [larsons@itctel.com]; Mayor@greensburgks.org; shawkins@forestheightsmd.gov; Ex. 6 mayor@burlingtonvt.gov; mayor@hattiesburgms.com; Ex. 6 Ragnew@nmda.nmsu.edu; rsundberg@co.humboldt.ca.us; jwitte@nmda.nmsu.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=542ee3fee247433d9a6d043d7df73ada-jwitte@nmda]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Jeffrey Tiberi [tiberi52@gmail.com]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; eileen.beard@tn.gov; tom.womack@tn.gov; Jai Templeton [Jai.Templeton@tn.gov]; Joyce Jackson [Joyce.Jackson@tn.gov]; clint.mcaffee@parkcity.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=edfbc30d76d141b2a212baef0a37867e-clint.mcaffee@parkcity.org]
Subject: RE: REMINDER: Small Communities Advisory Subcommittee (SCAS) Teleconference, Wednesday, June 14, 2:00-3:00pm EDT : Call in- Ex. 6 code- Ex. 6

Sorry I couldn't be on the call today. I was in federal court mediation today.

Shawn Yanity

From: Matthews, Demond [mailto:matthews.demond@epa.gov]
Sent: Wednesday, June 14, 2017 10:30 AM
To: Aromero@nmda.nmsu.edu; jordan@burlingtonvt.gov; rbartlett@peterboroughnh.gov; andy@parkcity.org; Eargle, Frances; Don Larson; Mayor@greensburgks.org; shawkins@forestheightsmd.gov; Ex. 6 mayor@burlingtonvt.gov; mayor@hattiesburgms.com Ex. 6 Ragnew@nmda.nmsu.edu; Shawn Yanity; rsundberg@co.humboldt.ca.us; jwitte@nmda.nmsu.edu; Bowles, Jack; Jeffrey Tiberi; Bennett, Tate; eileen.beard@tn.gov; tom.womack@tn.gov; Jai Templeton; Joyce Jackson; clint.mcaffee@parkcity.org
Subject: REMINDER: Small Communities Advisory Subcommittee (SCAS) Teleconference, Wednesday, June 14, 2:00-3:00pm EDT : Call in- Ex. 6 , code- Ex. 6

Good Afternoon SCAS Members,

The following is a reminder for all who can attend that the Small Communities Advisory Subcommittee will having its final working session **Wednesday, June 14, 2:00-3:00pm EDT** to discuss agricultural and rural issues related to the LGAC Waters of the U.S. (WOTUS) Charge. We would like to give all members this final opportunity to look at the WOTUS materials. The call in number is: Ex. 6 **code-** Ex. 6 Agenda added.

The following attachments concerns the LGAC WOTUS Charge, and the link below is to the **LGAC 2014 Report on Waters of the U.S**. (*Pages 13-23 addresses agriculture, definitions, Interpretative rule and implementation*).
Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._report.pdf
Transmittal Letter of the Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._letter_to_adm_gmccarthy.pdf

The Water Workgroup has a short turnaround.

Look forward to hearing everyone on the call.

V/r,

DEMOND L. MATTHEWS
Presidential Management Fellow
Small Communities Intergovernmental Liaison
EPA Office of Congressional & Intergovernmental Relations
1200 Pennsylvania Ave NW
Mail Code 1301-A
Washington, DC 20004
Phone: 202-564-3781 Cell: Ex. 6

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/8/2017 6:23:00 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Please feel free to call back when you can.

Getting you the best person now.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, May 08, 2017 2:19 PM
To: Roskam, Kyle - GOV
Subject: Re: Please feel free to call back when you can.

Can you point me to your technical poc back in the state on this issue? I need to get a menu of workable options from them.

On May 5, 2017, at 4:41 PM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

> Got your voicemail.
>
> **Kyle Roskam**
> *Director of Federal Relations*
> Office of Wisconsin Governor Scott Walker
> kyle.roskam@wisconsin.gov
> Direct: Ex. 6
> Hall of States
> 444 N. Capitol Street, NW
> Suite 544
> Washington, D.C. 20001-1581

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 6/26/2017 8:41:37 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: WOTUS- Do not forward, please.

Thanks Tate. Much appreciated.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, June 26, 2017 4:39 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: WOTUS- Do not forward, please.

All-

Administrator Pruitt could potentially sign a Federal Register notice as early as tomorrow afternoon proposing a rule to repeal the 2015 WOTUS final rule.

Knowing of the importance of this issue to your state/office, we just wanted to flag now so your teams can plan any releases/statements accordingly. We will circle back with an update tomorrow.

Below are a few notes on the FR notice, and please let us know if you have any questions in the meantime.

Best.

Tate Bennett

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Direct Ex. 6

--The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to repeal the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States."

--This action would provide regulatory continuity and certainty in the interim pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States."

--The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

--This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

--The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

--The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

--The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the Executive Order.

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 5/31/2017 11:32:23 PM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: EPA Call with Quinn William (WI Dept Natural Resources)

Time works

Will be on the call

> On May 31, 2017, at 6:29 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
> AD waiting on confirmation from Tate and Quinn 5/31
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (•) phone: Ex. 6
> (•) fax: (608) 266-6983
> (•) e-mail: quinn.williams@wisconsin.gov<mailto:quinn.williams@wisconsin.gov>
>
>
>
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Wednesday, May 31, 2017 12:29 PM
> To: Williams, Quinn L - DNR; Dominguez, Alexander
> Cc: Roskam, Kyle - GOV
> Subject: Connecting you
>
> Hey Alex!
>
> Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?
>
> The best number is Ex. 6 and I have cc'd Quinn to this email.
>
> Quinn, are you relatively flexible this week?
>
> Tate
>
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
>
>
> <2016 03 04_WI CAFO VTA letter.pdf>
> <meeting.ics>

Message

From: Clover Adams, Jamie (MDARD) [CloveradamsJ@michigan.gov]
Sent: 6/21/2017 1:10:32 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: WOTUS

Tate -- the President of COSDA (Communication Officers of State Departments of Agriculture) is Veronica Mosgrove from Louisiana. Her cell is Ex. 6 Her email is vmosgrove@ldaf.state.la.us

She should be able to help you.

Jamie

Sent from my iPad

> On Jun 20, 2017, at 11:18 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> Hey Jamie! Can I give you a buzz this afternoon?

Message

From: Beth Tipps [Beth.Tipps@tn.gov]
Sent: 6/26/2017 8:39:20 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: WOTUS- Do not forward, please.

I am out of the office and will return on Monday, July 31.

If you need assistance, please contact Jayme Simmons, Senior Advisor and Policy Director, at jayme.simmons@tn.gov.

Thank you,
Beth

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 6/20/2017 2:09:42 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Comments "Waters of the United States"
Attachments: 20170619163603864.pdf

Tate:

Wanted to make sure you saw the attached. They should have been sent by our DNR midday yesterday.

Kyle

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

June 19, 2017

Andrew Hanson
Hanson.Andrew@epa.gov

Dear Mr. Hanson,

Thank you for the inviting the State of Wisconsin (Wisconsin) to submit comments regarding the definition of "Waters of the United States" (WOTUS) during the "E.O. 13132 Federalism Consultation Meeting" held on April 19. We also thank you for taking our past comments to heart. The Wisconsin Department of Natural Resources (WI DNR) previously submitted comments on November 14, 2014 (attached), which identified concerns that the proposed rule to amend the definition of "Waters of the United States" (WOTUS) (jointly released by the Environmental Protection Agency (EPA) and the United States Corps of Engineers (USACE) on March 25, 2014 and published for public comment in the Federal Register on April 21, 2014) was developed without sufficient consultation with the states, generally, and without Wisconsin, specifically. We view this new opportunity to submit comments regarding the definition of WOTUS as an excellent example of EPA's new commitment, through Administrator Pruitt, and by virtue of President Trump's Executive Order 13778 "Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" to reaffirm the states' constitutional role in administering laws, solving problems, and serving people.

This an exciting time that provides us an excellent opportunity to review our regulatory climate to ensure we continue to protect the citizens of this country, while at the same time ensuring our regulatory structure is not unnecessarily burdensome. We truly appreciate both the approach and opportunity.

In response to your specific requests for feedback and input, Wisconsin has the following comments:

1) How would you like to see the concepts of "relatively permanent" and "continuous surface connection" defined and implemented? How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

We believe that Wisconsin is the perfect example of where interpreting 33 U.S.C. 1362(7) in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006) would allow for greater common sense flexibility while continuing to provide comprehensive environmental protection of Wisconsin's waters. Wisconsin would be in favor of interpreting the concepts of "relatively permanent" and "continuous surface connection" in a manner that would allow for the greatest flexibility for Wisconsin to directly regulate waters within our jurisdiction without unnecessary and duplicative federal regulations and oversight (i.e., perennial streams only and wetlands directly touching jurisdictional waters). Wisconsin remains one of the few states that currently regulate isolated, non-federal wetlands following the decision in Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001). Also, Wisconsin more broadly defines "Waters of the State" to include "those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction." (Wis. Stat. § 281.01(18)). As a result, even the existing controlling definitions and case law associated with *Rapanos* and its progeny are duplicative to the regulatory approach in

Wisconsin for protecting our citizen's waters. This duplication not only leads to wasted regulatory effort, but also significant delays and regulatory confusion when trying to superimpose a "one size fits all" approach to our State.

2) What opportunities and challenges exist for your state or locality with taking a Scalia approach?

As noted above, the historic opportunity we have is to eliminate duplicative and confusing regulatory approaches. A recent example of this confusion and lack of common sense, includes concerns raised by EPA Region 5 regarding Wisconsin's definition of "Waters of the State" in our Concentrated Animal Feeding Operation (CAFO) general permit, currently under review. EPA Region 5 is threatening to object to our permit for using a definition *that is more broad and protective than the definition of WOTUS.* This is just one example of where environmental protections are best when driven locally by those who are directly impacted. By removing additional duplicative, rigid "one size fits all" federal requirements, which handcuff Wisconsin from being able to be more flexible under state law, EPA can further allow for protective, common sense solutions to uniquely address local environmental and regulatory challenges. Finally, under the Scalia approach, both the EPA and Army Corps have actual jurisdiction over a waterway, including wetlands. In Wisconsin, WI DNR has jurisdiction under state law over wetlands. Federal agencies would need to work cooperatively to establish uniform definitions, criteria, and process, to avoid inconsistent application and overlapping regulation. Additionally, federal and state agencies should establish an intergovernmental agreement to allow for one agency and one process in issuing approvals related to wetlands.

3) Do you anticipate any changes to the scope of your state or local programs (e.g., statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402 and 404)? If so, what types of actions do you anticipate would be needed?

If the Scalia approach is adopted, it would allow Wisconsin to be more targeted and flexible, by allowing the use of common sense regulatory approaches, which will lead to better cooperative environmental protection under state law, as noted above. There would be little or no change to many of our state or local programs. Limiting federal jurisdiction over waters of the United States would not change the regulatory oversight, as both the DNR and DATCP have regulations addressing water quality within waters of the state. Wisconsin would need to evaluate what additional changes to state law, if any, would be necessary to identify gaps and opportunities for new approaches.

4) The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?

We would need to see the programs proposed for review by EPA and the USACE) in order to adequately respond to what may not be captured, and would appreciated getting those proposed programs as soon as is practicable.

Wisconsin appreciates the opportunity to provide these comments and hopes that they will be helpful to EPA and the USACE. We would be happy to provide additional information or clarifications.

Sincerely,

Kurt Thiede
Deputy Secretary
Wisconsin Department of Natural Resources

Message

From: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Sent: 6/8/2017 6:47:00 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: White House, EPA Honor Student Award Winners

thanks

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, June 8, 2017 2:46 PM
To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Subject: FW: White House, EPA Honor Student Award Winners

FYI. See you tomorrow. The link should have the details.

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, June 8, 2017 2:38 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: White House, EPA Honor Student Award Winners

CONTACT: press@epa.gov

EPA Announces Student Award Winners

WASHINGTON (June 8, 2017)- The U.S. Environmental Protection Agency (EPA) today announced the winners of the 2016 President's Environmental Youth Award (PEYA). The program recognizes outstanding environmental stewardship projects by K-12 youth. These students demonstrate the initiative, creativity, and applied problem-solving skills needed to tackle environmental problems and find sustainable solutions.

Fifteen projects are being recognized this year, from 13 states: California, Colorado, Connecticut, Florida, Nebraska, New Jersey, Michigan, Pennsylvania, South Carolina, Texas, Utah, Virginia, and Washington.

"Today, we are pleased to honor these impressive young leaders, who demonstrate the impact that a few individuals can make to protect our environment," said **EPA Administrator Scott Pruitt**. "These students are empowering their peers, educating their communities, and demonstrating the STEM skills needed for this country to thrive in the global economy."

Each year the PEYA program honors environmental awareness projects developed by young individuals, school classes (kindergarten through high school), summer camps, public interest groups and youth organizations.

This year's PEYA winners conducted a wide range of activities, such as:

- developing a biodegradable plastic using local agricultural waste product;
- designing an efficient, environmentally friendly mosquito trap using solar power and compost by-product;
- saving approximately 2,000 tadpoles to raise adult frogs and toads;
- implementing a hydroponics and aquaculture project in a high school;
- repurposing over 25,000 books;
- creating an environmental news YouTube channel;
- organizing recycling programs to benefit disaster victims and underserved community members;
- reclaiming and repurposing over 4,000 discarded pencils within their school;
- promoting food waste reduction;
- creating a small, portable tool to prevent air strikes of migratory birds;
- engaging their community in a program to save a threatened bird, the Western Snowy Plover;
- testing grey water to encourage water conservation;
- promoting bee health;
- uniting their schools to address local environmental issues.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young people for protecting our nation's air, water, land and ecology. It is one of the most important ways EPA and the Administration demonstrate commitment to environmental stewardship efforts created and conducted by our nation's youth.

For information on environmental education at EPA, visit:
https://www.epa.gov/education.

R109

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Lauf, Robbie [rlauf@nd.gov]
Sent: 5/10/2017 5:14:16 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Torstenson, Cassandra L. [ctorstenson@nd.gov]; Nowatzki, Mike [mnowatzki@nd.gov]
Subject: Re: EPA Empowers State Regulators, Encourages Energy Innovation

Hi, Tate;

I apologize for now getting back to you - I've been traveling with the Governor and have just returned to my desk. I've ccd Mike, our communications director, and Cassandra from our policy team so that they are aware as well.

Thanks,

Robert Lauf
Policy Advisor | Governor of North Dakota
Ex. 6
rlauf@nd.gov

On May 9, 2017, at 9:20 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Robert!

I tried your office yesterday to give you all a heads up and you were out. Just wanted to flag the below press release went out this AM. CC'd is our Communications Director who would be happy to work with you on a statement, or anything else your boss might be able to provide.

Thank you!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 9, 2017

EPA Empowers State Regulators, Encourages Energy Innovation by Signing Proposed Rule to Approve North Dakota Carbon Sequestration Wells Application

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced that EPA has signed a proposed rulemaking to approve North Dakota's application to implement and enforce its own Class VI Underground Injection Control (UIC) program. Class VI injection wells are used for long-term storage of carbon dioxide captured from industrial and energy related sources. This action reinforces Administrator Pruitt's commitment to cooperative federalism, and will help advance carbon capture and sequestration (CCS) technologies.

"North Dakotans know better than anyone the needs of their environment, economy, and communities," **said Administrator Pruitt**. "By taking action toward authorizing North Dakota's Class VI program, we will empower state regulators, provide needed certainty, and advance CCS technologies, all while ensuring drinking water sources remain protected."

EPA is proposing to determine that North Dakota is capable of enforcing its Class VI program in a manner consistent with the Safe Drinking Water Act (SDWA) and all applicable regulations to protect underground sources of drinking water. If EPA ultimately approves the state's program, the North Dakota Industrial Commission will have primary enforcement responsibility. EPA will continue to administer the UIC Program for wells on Indian lands per the SDWA.

Click here to view the Federal Register notice proposing program approval, which was signed today. Once the notice publishes in the Federal Register a 60-day public comment period will begin. Following the close of the comment period, EPA will review and respond to public comments in preparation for making a final decision on North Dakota's application.

R078

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 6/9/2017 8:24:15 PM
To: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: next steps for VTA discussion

Not a problem thank you for this.

From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Friday, June 9, 2017 3:14 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>
Subject: RE: next steps for VTA discussion

Hi Alex,

You bet. Sorry about that. Here you go for the guidance.

I don't have the enforcement results from February 2016 handy, however.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Friday, June 09, 2017 11:01 AM
To: Williams, Quinn L - DNR
Cc: Bennett, Tate
Subject: RE: next steps for VTA discussion

Hey Quinn – Great talking with you and thanks again for answering all our questions. I apologize but I don't think the draft guidance was attached or if it was it did not come through as an attachment when forwarded. Also, I meant to ask

on the phone but do you have a copy of the EPA's February 19, 2016 report of the results of the third state enforcement review handy? If not, not a problem and I can ask our folks on Monday - I was just going to try and look over it this weekend. Anything else just let us know and I'll get to work on tracking down the answers to your questions.

Have a good weekend,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Friday, June 9, 2017 11:19 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Girard, Alexander C - GOV <Alexander.Girard@wisconsin.gov>
Subject: RE: next steps for VTA discussion

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 09, 2017 10:15 AM
To: Williams, Quinn L - DNR
Cc: Dominguez, Alexander
Subject: Re: next steps for VTA discussion

Hey Quinn! We keep getting a busy signal. Is there a better number?

On Jun 8, 2017, at 12:28 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

That would be great!

What times work for all of you?

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, June 08, 2017 11:24 AM
To: Williams, Quinn L - DNR
Cc: Greenwalt, Sarah; Bennett, Tate
Subject: RE: next steps for VTA discussion

Thanks Sarah.

Quinn – Looping in Tate as well. We'd be more than happy to set up a call for tomorrow if you would like.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Greenwalt, Sarah
Sent: Wednesday, June 7, 2017 11:26 PM
To: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: next steps for VTA discussion

I am overseas on a work trip and will not return for another few days. If you'd like to discuss tomorrow I would encourage you to contact my senior policy analyst, Alex, who is cc'ed here.

Best,
Sarah

Sent from my iPhone

On Jun 8, 2017, at 1:09 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> You around for a quick call?
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6
> (☎) fax: (608) 266-6983
> (✉) e-mail: quinn.williams@wisconsin.gov
> **CONFIDENTIALITY:** This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, June 07, 2017 11:50 AM
To: Williams, Quinn L - DNR
Subject: Re: next steps for VTA discussion

Thank you for this information.

Sent from my iPhone

On Jun 7, 2017, at 3:01 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> Hi Sarah.
>
> See below. For our ongoing discussions.
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams

Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Crass, David A (22267) [mailto:DACrass@michaelbest.com]
Sent: Tuesday, June 06, 2017 1:39 PM
To: Williams, Quinn L - DNR; Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Quinn: Thank you for forwarding and I apologize my schedule has prevented me from attending the last couple of sessions. We were aware of this letter from Ms. Hyde because Pam and MaryAnne cited it to us--as well as EPA's February 19, 2016 report of the results of the third state enforcement review-- when we first met last Spring to discuss these issues as a basis for the Department's state-wide pronouncements and actions concerning VTAs and calf hutches. I'd ask you to consider the following about those EPA documents as relates to Wisconsin's position and response:

The EPA Documents concern conditions observed at 8 CAFOs in Wisconsin. We have nearly 300 Large CAFOs I believe, meaning the "sample size" was about 0.03%. It was on this sample size that Ms. Hyde's letter is based when she communicates that EPA has "concerns" about whether the effluent limitations for both the federal and state program are being met statewide. However, USEPA's February 2016 report summary simply concludes that there is the "potential for discharge" in the report entries summarized concerning manure storage, feed storage, VTA's, feed lot areas and calf hutch areas:

Category	Findings

Stacking Areas of Manure, bagged feed, used bedding and feed.	5 of 6 facilities were found to be stackin bedding and/or feed in unsuitable areas the potential for runoff into a waterway.
Feed Storage Areas	7 out of 8 facilities had the potential for unauthorized discharges either from no containment, improperly designed, and/ improperly managed feed storage struc
Vegetated Treatment Areas	4 out of the 6 facilities had unauthorizec discharges from the VTA.
Feed Lot Areas	2 out of the 2 had problems with inadeq no containment for their feedlot runoff. runoff had the potential to discharge to waters.
Calf Hutch Areas	3 out of 3 had problems with runoff from hutch areas that had the potential to dis to surface waters.

Note with respect to VTAs the report notes "unauthorized discharges" from the production area but does not mention "...to navigable surface waters." All other entries simply mention a "potential" to discharge. Further to that, under the "next steps" column in the summary report, USEPA writes:

> WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of *all wastestreams that have potential to discharge* including production area storm water runoff, feed storage areas, calf hutch area, and vegetated treatment areas.

It is ironic that USEPA would focus on areas of "potential" discharge in Wisconsin when its own effluent guideline and permitting authority only applies to Large CAFOs that have an *actual* discharge to navigable surface waters. See, *Waterkeeper Alliance, Inc. et al v. EPA,* 399 F.3d 486(2d Cir. 2005). WDNR should point out to USEPA that its permitting program is more expansive than USEPA's, since Wisconsin Large CAFOs do not enjoy the option of self-determining that they are a "no-discharge CAFO" and hence do not need a permit and since Wisconsin's program also requires groundwater protection. It seems to us inappropriate and a federal overreach for USEPA to suggest that a properly promulgated and incorporated technical design standard "does not ensure the required level of performance is being achieved" *statewide* when USEPA's own reports suggest only "potential discharges" that would not themselves trigger a permitting requirement under the federal program.

Thank you.

David A. Crass
Partner
Industry Group Chair, Agribusiness, Food & Beverage
Ex. 6 michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----
From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 12:33 PM
To: Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com); Crass, David A (22267)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Williams, Quinn L - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Hello everyone,

For those of you who may not have seen it, please see the attached letter from EPA regarding VTAs from March of 2016 that is relevant to the guidance/discussions.

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Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(() phone: Ex. 6
(() fax: (608) 266-6983
(() e-mail: quinn.williams@wisconsin.gov
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Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 5/31/2017 10:25:34 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: Connecting you

11:00 am cst or est?

I can make either work

On May 31, 2017, at 4:05 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Apologies Sarah can't do 2:00 anymore tomorrow – would 11:00AM work?
>
> Alex
>
> ---
>
> **From:** Dominguez, Alexander
> **Sent:** Wednesday, May 31, 2017 3:15 PM
> **To:** 'Williams, Quinn L - DNR' <Quinn.Williams@wisconsin.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
> **Subject:** RE: Connecting you
>
> Thanks for the introduction Tate.
>
> Could everyone do tomorrow, June 1, at 2:00?
>
> Alex
>
> Alex Dominguez
> Policy Analyst to the Senior Advisor to
> the Administrator for Air and Radiation
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
> **Sent:** Wednesday, May 31, 2017 1:30 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>
> **Subject:** RE: Connecting you
>
> You bet.
>
> Whatever works for you all I can make work for me.
>
> See attached correspondence for reference.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: (Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is Ex. 6 and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 5/12/2017 2:31:56 PM
To: james.ross@state.nm.us
Subject: Undeliverable: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Attachments: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Your message
To: Bennett, Tate
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Sent: 5/12/2017 2:31:53 PM

Your message to james.ross@state.nm.us couldn't be delivered.

james.ross wasn't found at state.nm.us, or the mailbox is unavailable.

Bennett.Tate	**Office 365**	**james.ross**
Action Required		Recipient
Unknown To address		

How to Fix It

The email address might be misspelled or it might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message -** If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message -** If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of this article. Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.

- **Contact the recipient by some other means,** (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.351

When Office 365 tried to send the message, the external email server returned an error stating that the recipient is unknown or the mailbox is unavailable. This error was reported by an email server outside Office 365.

If you or the sender can't fix the problem, contact the responsible party's email admin - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. To determine who the responsible party might be, check the error for information about where the problem is happening. For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

Although the sender might be able to fix the issue by correcting the recipient address, it's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

Original Message Details

Created Date:	5/12/2017 2:31:53 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	james.ross@state.nm.us
Subject:	Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Error Details

Reported error:	*550 5.1.351 Remote server returned unknown recipient or mailbox unavailable -> 550 Invalid recipient <james.ross@state.nm.us> (#5.1.1)*
DSN generated by:	BY2PR09MB1126.namprd09.prod.outlook.com
Remote server:	server-6.tower-126.messagelabs.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	5/12/2017 2:31:53 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1126.namprd09.prod.outlook.com	Microsoft SMTP Server cipher=TLS_ECDHE_RSA

Original Message Headers


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 s=selector1-epa-gov;
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From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement
 Agreement
Thread-Topic: Intro at EPA / EPA and Pebble Limited Partnership Reach
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Thread-Index: AdLLI5rEKPtTyQaLSL6ZLtWoqarltgACLmPg
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X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 12 May 2017 14:31:53.5939
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 2:31:53 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. **Ex. 6** is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Sent: 5/12/2017 9:56:56 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Thanks for your contact.
Look forward to working with you.

Bill McBride
Director
State of Michigan Washington D.C. Office
444 North Capitol Street N.W. Suite 411
Washington D.C. 20001
Ex. 6
mcbrideb@michigan.gov
www.michigan.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:32 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

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Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/23/2017 3:19:07 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Budget

Absolutely. Ex. 6

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 23, 2017 11:13 AM
To: Roskam, Kyle - GOV
Subject: Budget

Can I give you a quick call? What number?

Message

From: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Sent: 5/18/2017 10:58:24 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Contact Info for EPA Liaison

Long day....

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Thursday, May 18, 2017 6:55 PM
To: Lydon, Kathy
Subject: [External] Re: Contact Info for EPA Liaison

Was a joke!

On May 18, 2017, at 6:53 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:

> OOOps. Hope I'm not in trouble with them!
>
> ---
>
> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Sent:** Thursday, May 18, 2017 6:46 PM
> **To:** Lydon, Kathy
> **Subject:** [External] Re: Contact Info for EPA Liaison
>
> Thanks! Was just told Sec. Price has us beat!
>
> On May 18, 2017, at 6:42 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:
>
>> Hi Tate: I meant to tell you when you came in to brief yesterday that so far, EPA-IG gets the award for the agency with the most visits to Govs' reps. Keep up the great work, as we very much appreciate your outreach. Best, Kathy
>>
>> ---
>>
>> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Sent:** Thursday, May 18, 2017 6:32 PM
>> **To:** Bennett, Tate
>> **Subject:** [External] Contact Info for EPA Liaison
>>
>> Hi there—
>>
>> Apologies if this e-mail is repetitive for some of you, but my name is Tate Bennett and I'll be serving as your intergovernmental liaison to Administrator Scott Pruitt's office here at EPA. Happy to be on board!

Just wanted to send you all a quick e-mail with my contact info (below) and to let you know I'm happy to receive any written correspondence electronically that might be headed our way/ flag any meeting or speaking requests up the chain.

Look forward to working together.

-Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Intergovernmental Relations

Office of the Administrator

U.S. Environmental Protection Agency

Bennett.Tate@EPA.gov

Ex. 6 (direct/cell)

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Message

From: Goehring, Doug C. [goehring@nd.gov]
Sent: 5/19/2017 9:48:31 PM
To: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Meeting at EPA

Kenneth,

It was a good meeting Thursday, I look forward to many more productive meetings and opportunities to work together.

Doug Goehring
North Dakota Agriculture Commissioner
Phone: Ex. 6
Fax: 701-328-4567
goehring@nd.gov
http://www.nd.gov/ndda

On May 19, 2017, at 8:41 AM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Stephanie Groen [stephanie.groen@iowa.gov]
Sent: 4/26/2017 10:46:42 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Hoelscher, Douglas L. EOP/WHO [redacted] Ex. 6
Subject: Re: EPA -- Iowa Anti-degradation issue

Great! Let's plan on 8 pm if that works for you.

On Wed, Apr 26, 2017 at 4:29 AM Bennett, Tate <Bennett.Tate@epa.gov> wrote:

I'll give you a shout tonight. Just let me know when would be a good time?

On Apr 25, 2017, at 10:22 PM, Groen, Stephanie <stephanie.groen@iowa.gov> wrote:

Tate, so nice to meet you. Thank you for the introduction, Doug.

I am actually going to be staffing the Governor in DC all day tomorrow so a call during the day would be challenging, but I could make a call tomorrow night work if that works on your end. The best number to reach me at is Ex. 6

Thank you for keeping this issue on your radar as it is a top priority in our state.

Best,

Stephanie

On Tue, Apr 25, 2017 at 8:08 PM, Bennett, Tate

<Bennett.Tate@epa.gov> wrote:

> Hey Stephanie!
>
> We actually just had a meeting on this and are still working our way through the next steps. It's certainly still very much on our radar. May I give you a call tomorrow?
>
> Doug- Thanks for the heads up given the call on Friday. RJ brought us up to speed a couple weeks ago and we've been able to take a look now that we have more of a team in place.

Tate

> On Apr 25, 2017, at 7:21 PM, Hoelscher, Douglas L. EOP/WHO

Ex. 6

ote:

>

> Hi Tate,

>

> Just got off the phone with Stephanie Groen with Gov. Branstad -- she is interested in talking with you all about the Iowa anti-degradation issue that the Governor and Lt. Governor discussed with the Administrator in late February. I believe your COS may

have taken the issue for action, but wanted to connect you with Stephanie. I believe the Governor and Lt. Governor might be speaking with the Administrator via phone on Friday.

>

> Sincerely,

> Doug

>

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Larry Pearce [larry@governorscoalition.org]
Sent: 5/1/2017 2:31:14 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Kristin Allan [kristin.allan@nebraska.gov]
Subject: Re: Follow up to Governors' Call

Tate
Here's the contact info for South Dakota and Iowa for had requested. I'm also included the contact info for the governors' policy advisors who covered this area.

South Dakota

COS Tony Venhuizen, tony.venhuizen@state.sd.us

Hunter Roberts, Hunter.Roberts@state.sd.us
direct: Ex. 6

Communications:
Kelsey Pritchard, Ex. 6

Iowa

COS Michael Bousselot, Michael.Bousselot@iowa.gov
Ex. 6

Kayla Lyon, kayla.lyon@iowa.gov
Ex. 6

Stephanie Groen, Stephanie.Groen@iowa.gov
Ex. 6

Communications:
Ben Ham, Ben.Hammes@iowa.gov
Ex. 6

On Apr 29, 2017, at 8:50 AM, Allan, Kristin <kristin.allan@nebraska.gov> wrote:

Thank you, Tate and Larry.
Gov. Ricketts' public relations director is Taylor Gage.
taylor.gage@nebraska.gov
Ex. 6 direct
cell

COS is Matt Miltenberger
matt.miltenberger@nebraska.gov
Ex. 6 main line
cell

Tate, I had shared your email with Larry so as to best connect the offices.

Please let me know if I can help with anything else!

Kristin

Sent from my iPhone

On Apr 29, 2017, at 7:57 AM, Larry Pearce <larry@governorscoalition.org> wrote:

> Thanks. Is Troy intergovernmental?
> You'll have a list on Monday morning.
>
> lp
>
>> On Apr 29, 2017, at 7:55 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> Ah sorry about that! Yes! Troy Lyons- Lyons.Troy@epa.gov.
>> Thanks, Larry. Appreciate it.
>>
>> On Apr 29, 2017, at 8:52 AM, Larry Pearce <larry@governorscoalition.org> wrote:
>>
>>> Yes, I have your note to Kristin. I have the substantive staff contacts for NE, SD and IA but not sure about comm. directors since they change frequently. I'll get you an updated list on Monday morning. And do you have the contact info for Troy whom the Administrator mentioned on the call? I'd like to finish the draft thank you letter and want to CC you and Troy as as well as other key EPA staff.
>>>
>>> Thanks.
>>>
>>> lp
>>>
>>>> On Apr 29, 2017, at 7:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>>
>>>> Hey Larry! I actually reached out to Kristin after the call looking for your

contact info as well. Look forward to working together!

Do you mind passing along the contact info for the three governors' chiefs and communications directors? Thank you!

On Apr 29, 2017, at 8:05 AM, Larry Pearce <larry@governorscoalition.org> wrote:

> Tate,
> Thanks for helping with the call yesterday. I was as pleased as the governors were with the positive tone of the discussion with Administrator Pruitt. It couldn't have gone any better.
> I'm drafting the thank you/follow up letter to the Administration, and I want to CC the EPA point of contacts. I have your info but just have Troy's first name. Can you please send me Troy's contact information as well other EPA staff who should be copied on the letter.
> Thanks.
>
> Larry

GOVERNORS' BIOFUELS COALITION

larry@governorsco
Ex. 6 direc
cell

Larry Pearce
Executive Director
Governors' BioFuels Coalition

P.O. Box 94922
Lincoln, NE 68509
www.GovernorsBio

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/9/2017 7:14:20 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: RE: next steps for VTA discussion
Attachments: FeedRunoff-DraftGuidance-6-2-16.docx

Hi Alex,

You bet. Sorry about that. Here you go for the guidance.

I don't have the enforcement results from February 2016 handy, however.

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Friday, June 09, 2017 11:01 AM
To: Williams, Quinn L - DNR
Cc: Bennett, Tate
Subject: RE: next steps for VTA discussion

Hey Quinn – Great talking with you and thanks again for answering all our questions. I apologize but I don't think the draft guidance was attached or if it was it did not come through as an attachment when forwarded. Also, I meant to ask on the phone but do you have a copy of the EPA's February 19, 2016 report of the results of the third state enforcement review handy? If not, not a problem and I can ask our folks on Monday - I was just going to try and look over it this weekend. Anything else just let us know and I'll get to work on tracking down the answers to your questions.

Have a good weekend,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Friday, June 9, 2017 11:19 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Girard, Alexander C - GOV <Alexander.Girard@wisconsin.gov>
Subject: RE: next steps for VTA discussion

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 09, 2017 10:15 AM
To: Williams, Quinn L - DNR
Cc: Dominguez, Alexander
Subject: Re: next steps for VTA discussion

Hey Quinn! We keep getting a busy signal. Is there a better number?

On Jun 8, 2017, at 12:28 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> That would be great!
>
> What times work for all of you?
>
> **We are committed to service excellence.**
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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, June 08, 2017 11:24 AM
To: Williams, Quinn L - DNR
Cc: Greenwalt, Sarah; Bennett, Tate
Subject: RE: next steps for VTA discussion

Thanks Sarah.

Quinn – Looping in Tate as well. We'd be more than happy to set up a call for tomorrow if you would like.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Greenwalt, Sarah
Sent: Wednesday, June 7, 2017 11:26 PM
To: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: next steps for VTA discussion

I am overseas on a work trip and will not return for another few days. If you'd like to discuss tomorrow I would encourage you to contact my senior policy analyst, Alex, who is cc'ed here.

Best,

Sarah

Sent from my iPhone

On Jun 8, 2017, at 1:09 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> You around for a quick call?
>
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>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6
> (☎) fax: (608) 266-6983
> (✉) e-mail: quinn.williams@wisconsin.gov
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From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, June 07, 2017 11:50 AM
To: Williams, Quinn L - DNR
Subject: Re: next steps for VTA discussion

Thank you for this information.

Sent from my iPhone

On Jun 7, 2017, at 3:01 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> Hi Sarah.
>
> See below. For our ongoing discussions.
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6

(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Crass, David A (22267) [mailto:DACrass@michaelbest.com]
Sent: Tuesday, June 06, 2017 1:39 PM
To: Williams, Quinn L - DNR; Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Quinn: Thank you for forwarding and I apologize my schedule has prevented me from attending the last couple of sessions. We were aware of this letter from Ms. Hyde because Pam and MaryAnne cited it to us--as well as EPA's February 19, 2016 report of the results of the third state enforcement review-- when we first met last Spring to discuss these issues as a basis for the Department's state-wide pronouncements and actions concerning VTAs and calf hutches. I'd ask you to consider the following about those EPA documents as relates to Wisconsin's position and response:

The EPA Documents concern conditions observed at 8 CAFOs in Wisconsin. We have nearly 300 Large CAFOs I believe, meaning the "sample size" was about 0.03%. It was on this sample size that Ms. Hyde's letter is based when she communicates that EPA has "concerns" about whether the effluent limitations for both the federal and state program are being met statewide. However, USEPA's February 2016 report summary simply concludes that there is the "potential for discharge" in the report entries summarized concerning manure storage, feed storage, VTA's, feed lot areas and calf hutch areas:

Category	Findings
Stacking Areas of Manure, bagged feed, used bedding and feed.	5 of 6 facilities were found to be stackin bedding and/or feed in unsuitable areas the potential for runoff into a waterway.
Feed Storage Areas	7 out of 8 facilities had the potential for unauthorized discharges either from no containment, improperly designed, and/ improperly managed feed storage struc

Vegetated Treatment Areas	4 out of the 6 facilities had unauthorizec discharges from the VTA.
Feed Lot Areas	2 out of the 2 had problems with inadeq no containment for their feedlot runoff. runoff had the potential to discharge to waters.
Calf Hutch Areas	3 out of 3 had problems with runoff from hutch areas that had the potential to dis to surface waters.

Note with respect to VTAs the report notes "unauthorized discharges" from the production area but does not mention "...to navigable surface waters." All other entries simply mention a "potential" to discharge. Further to that, under the "next steps" column in the summary report, USEPA writes:

> WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of *all wastestreams that have potential to discharge* including production area storm water runoff, feed storage areas, calf hutch area, and vegetated treatment areas.

It is ironic that USEPA would focus on areas of "potential" discharge in Wisconsin when its own effluent guideline and permitting authority only applies to Large CAFOs that have an *actual* discharge to navigable surface waters. See, *Waterkeeper Alliance, Inc. et al v. EPA,* 399 F.3d 486(2d Cir. 2005). WDNR should point out to USEPA that its permitting program is more expansive than USEPA's, since Wisconsin Large CAFOs do not enjoy the option of self-determining that they are a "no-discharge CAFO" and hence do not need a permit and since Wisconsin's program also requires groundwater protection. It seems to us inappropriate and a federal overreach for USEPA to suggest that a properly promulgated and incorporated technical design standard "does not ensure the required level of performance is being achieved" *statewide* when USEPA's own reports suggest only "potential discharges" that would not themselves trigger a permitting requirement under the federal program.

Thank you.

David A. Crass
Partner
Industry Group Chair, Agribusiness, Food & Beverage
T: Ex. 6 | michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----
From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 12:33 PM
To: Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com'

(pzimmerman@wfbf.com); Crass, David A (22267)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Williams, Quinn L - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Hello everyone,

For those of you who may not have seen it, please see the attached letter from EPA regarding VTAs from March of 2016 that is relevant to the guidance/discussions.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(() phone: Ex. 6
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BUREAU OF WATERSHED MANAGEMENT PROGRAM GUIDANCE

Agricultural Runoff Program

Wisconsin Department of Natural Resources
101 S. Webster Street, P.O. Box 7921
Madison, WI 53707-7921

Feed Storage Area Runoff Controls for CAFOs

X/X/2016

EGAD Number: 3800-XXXX-XX

DRAFT

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APPROVED:

_____ _____

Pam Biersach, Director Date
Bureau of Watershed Management

A. Introduction/Statement of Problem Being Addressed

This guidance has been developed in response to U.S. EPA communications regarding the use of Wisconsin NRCS Conservation Practice Standard 635 (NRCS 635) to design feed storage area runoff controls (feed runoff controls) for CAFOs in Wisconsin. U.S. EPA inspections and field observations have shown NRCS 635 does not reliably ensure no discharge of pollutants to navigable water, as required by the Federal Clean Water Act, and described in U.S. EPA's Effluent Limitations Guideline for Concentrated Animal Feeding Operations (CAFOs).

This same issue may impact medium sized animal feeding operations if they have a discharge to navigable waters.

B. Objectives

This guidance describes how feed runoff controls can be designed and operated to meet the requirements of NR 243 and provides a reference for DNR engineering review. This guidance does not address runoff controls for feedlots, barnyards, and other livestock holding areas. This will be addressed in a separate guidance document.

C. Background and Definitions

NRCS 635, titled Vegetated Treatment Areas (VTAs) includes criteria for practices intended to treat runoff with low concentration of nutrients. U.S. EPA is not aware of any other states that consistently allow VTAs for CAFO feed runoff control. WPDES permits and ch. NR 243, Wis. Adm. Code, reflect federal requirements that most CAFOs cannot have production area discharges of pollutants to navigable waters, directly or indirectly, except under certain circumstances summarized as follows (specified in s. NR 243.13)[1]:

- The discharge must be the result of a precipitation related overflow of a containment or storage facility that is properly designed, constructed and maintained to contain all manure or wastewater from the CAFO and the runoff and direct precipitation from a 25-yr, 24-hour rain event.

- The production area must also be operated in accordance with the inspection, maintenance and record keeping requirements in s. NR 243.19, Wis. Adm. Code, which include weekly inspection of containment or storage facilities for leakage, seepage, erosion and excessive vegetation.

The term "storage facility", as used in s. NR 243 means a facility designed to contain stored waste materials (not to leak, infiltrate, or treat wastes). A VTA as specified in NRCS 635 is intended to treat runoff with low concentration of nutrients and is not a containment or storage facility. NRCS 635 feed runoff control systems were not intended to prevent releases of runoff for storm events less than the 25-yr, 24-hr storm. Although NRCS 635anticipated the released runoff would contain little or no pollutants, NR 243 requires that no pollutants from the production area reach navigable water. Therefore, NRCS 635 criteria do not result in a "no discharge" system.

[1] New source swine, veal and non-duck poultry may not have discharges of pollutants from the production area under any circumstances.

For Options 3 and 4 below, the Department is considering the infiltration structure volume holding capacity to be equivalent to a "storage facility" for the purposes of preventing an overflow of the 25-yr, 24-hr storm. The Department is doing this in accordance with NR 243.15(1)(c).

The most current National NRCS 635 Standard (9/2015) indicates that runoff up to the 25-yr, 24-hr rain event must be infiltrated or stored, unless discharge is allowed by applicable regulations. Such discharge is not allowed under NR 243. A Wisconsin NRCS Standard cannot typically be less stringent than the corresponding National NRCS Standard. As a result, the Wisconsin NRCS 635 is currently being updated.

D. Guidance

IMPLEMENTATION

WPDES Permitted CAFOs:

- CAFOs with VTA projects approved by DNR prior to January 1, 2016, but not yet built, should reassess their planned construction for compliance with the "no discharge" requirement and contact DNR.
- Projects currently under review by the DNR that do not yet meet "no discharge" will be required to modify their design. Evaluations currently under review will also be asked to evaluate the design consistent with "no discharge".
- At reissuance, a permittee will need to evaluate existing facilities and provide interim measures to meet "no discharge" as well as implement any long term solutions.
- All new permittees will need to meet the "no discharge" standard either with an appropriately designed facility or with interim practices and a construction schedule to evaluate any existing facilities and provide designs under a schedule. If the permit is for a "green site" (all new facilities), then all new facilities need to meet the "no discharge" requirement.
- Longer term implementation will result in all feed storage runoff control engineering plans meeting the "no discharge" requirement.

OPTIONS

Provided below are options of "no discharge" feed runoff control systems for storm events up to and including the 25-yr, 24-hour storm. The runoff, particularly at the beginning of a rainfall, may include feed leachate (the liquid released from silage) that contains high concentrations of nutrients. Feed leachate and runoff are considered process wastewater under NR 243.

The options below can be combined, and other options may also be possible. This guidance is not meant to exclude other systems that could meet "no discharge" requirements. The DNR will review all feed runoff control systems on a case by case basis.

Requirements that Apply to All Options Listed:

Runoff Storage: A specified portion of the feed runoff must be collected to a DNR approved storage facility. If the storage is dedicated to just feed storage runoff, then it is to be designed in accordance with ch. NR 213 (see NR 243.15(3)(d)). In accordance with s. NR 243.15(3)(c) and (d), the Department may allow or require different design criteria on a case by case basis to

protect water quality. Such a case could be the design for concrete liners, which is not included in NR 213. Another case could be situations where the runoff is comingled with other sources of manure. Permanent markers are required in accordance with NR 243.15(3)(e).

Rainfall Data: In accordance with s. NR 243.04, the DNR is requiring the use of rainfall depths and storm distributions from NOAA Atlas 14 (in lieu of the rainfall data in Table 1).

Days of Storage: If the runoff storage is also used for liquid manure, a minimum 180 days of storage must be provided for the combined liquid waste. For a storage dedicated to feed runoff, the 180 days storage requirement for liquid manure does not apply, but there must be adequate storage to meet the requirements of NR 243.14(9) which includes maintaining adequate storage to meet the conditions, timing and restrictions of the permit, the Nutrient Management Plan (NMP) and NR 243.

Discharges Impacting Outstanding and Exceptional Resource Waters (ORW/ERW) and 303(d) Listed Waters. The Department may require additional design practices in instances where discharges impact ORW/ERW and 303(d) listed waters.

Option 1 - Runoff Storage with NMP Managed Application

a) Runoff Storage Facility: Feed runoff is collected into a storage facility (see "Requirements that Apply to All Options Listed" above).

   Required minimum storage volume for all of the following:
   - The 25-yr, 24-hr storm over the feed storage area and on the storage surface.
   - The maximum runoff/precipitation volume generated between land applications.
   - Anticipated leachate generation volume within 4 weeks of silage harvest
   - A 1 foot margin of safety.

b) Runoff Storage Facility Drawdown: Runoff must be removed from storage as needed to maintain capacity for another 25-yr, 24-hr rain event. Runoff is removed from the storage for land application according to NR 243.14 and the approved NMP; or when land application is not possible, the runoff is transferred to another storage.

c) NMP: Runoff from the feed storage facility is land applied in accordance with an approved NMP.

   As required by NR 243.14, the collected runoff cannot be applied when the soil is saturated or when precipitation will produce runoff. The applied runoff cannot pond or run off the application site, and must be so that minimal movement occurs. All other application restrictions in NR 243.14, the NMP and applicable sections of NR 214 apply.

   Like with liquid manure, monitoring the volume and nutrient concentration of the feed runoff is needed to determine allowable field application rates. (If feed runoff is stored with liquid manure, testing will be on the co-mingled wastes.)

   Use the current version of SnapPlus or other approved nutrient management methodology to determine application rates and areas. Initial annual nutrient loading can be based on annual nutrient loading per acre of feed storage or flow weighted mean nutrient concentration information in the UW Discovery Farms study "Evaluation of Silage Leachate and Runoff Collection Systems on Three Wisconsin Dairy Farms" (4/11/2016).

Once the runoff storage is constructed, collected runoff volumes and nutrient concentrations must be monitored in accordance with the NMP. The land application acreage must be adjusted based on actual nutrient content of the runoff being land applied.

Land application methods may include irrigation systems which are subject to NR 243.15(6).

Option 2 - Runoff Storage with NMP Managed Application onto a VTA This may be used to retrofit an existing VTA.

a) Runoff Storage Facility: Feed runoff is collected into a storage facility (see Option 1a above).

b) Runoff Storage Facility Drawdown: Runoff must be removed from storage as needed to maintain sufficient available capacity (see Option 1b above).

c) NMP: Runoff from the feed storage facility is applied to the VTA in accordance with an approved NMP (see Option 1c above). The nutrient loading onto the VTA must be balanced with the nutrient uptake of the vegetation on an average annual basis. The vegetation is to be cut and removed at least annually. The initial size of the VTA can be established with SnapPlus and the UW Discovery Farms study information discussed in Option 1c above. Actual measurement of all nutrients applied is required by the NMP. Soil samples should be taken in the upper, middle and lower thirds of the VTA. One sample should be taken every five acres or less, every four years. Each soil sample is a composite sample of ten cores collected in a "W" pattern. The Department may require more frequent soil sampling (e.g. annually) to determine an even distribution of nutrients over the VTA. The VTA area must be increased or nutrient loading reduced if actual nutrient loading and soil testing results indicate the VTA vegetation nutrient requirements are not keeping up with the loading rate. The VTA size could be reduced with the use of a low flow collection system to remove nutrients and wastewater volume applied. The VTA size would be reduced according to the proportion of nutrients removed to storage as determined by wastewater sampling results.

d) VTA Land Application: The VTA land application area is permanently vegetated. Runoff may only be applied during the growing season of the VTA vegetation. During runoff application, no discharge is allowed to exit the VTA, and the runoff is not allowed to pond. Runoff application volumes and rates must balance with the capacity of VTA soil to retain the runoff within the root zone. The exception is if there is excess surface runoff which is appropriately collected. Infiltration past the root zone to groundwater is not allowed. The runoff application rate must be controllable and it must be uniformly applied over the entire VTA. Measures to prevent discharges from the end of the VTA during application, such as collection devices (berm or storage) or extra-long VTAs may be necessary. The method of runoff application must comply with NR 243 and use the following methods:
   - An irrigation system that complies with NR 243.15(6).
   - A spreader bar, or other gravity or pumped systems providing even surface distribution may be used in conjunction with a graded and moderately sloped VTA. Multiple discharge locations may be necessary to provide uniform application over the entire VTA.

Option 3 - Infiltration Basin

a) Runoff Storage Facility: Feed runoff is collected into a storage facility (see "Requirements that Apply to All Options Listed" above). Operators shall collect at least up to the peak flow from a 1-inch storm (or 20% of the 25-year, 24-hour peak flow), or the first 1-inch of runoff, to a storage facility for land application according to the NMP and NR 243.14. The DNR believes this is the minimum amount necessary to protect groundwater quality in the infiltration basin area. This runoff amount represents approximately 90% of the average annual runoff volume. Runoff also needs to be collected to storage when the infiltration basin bottom is frozen and unable to infiltrate. The minimum required storage volume would be the maximum runoff/precipitation volume generated between land applications and also include a 1 foot margin of safety.

b) Solids Collection: Runoff solids are separated and not released to the infiltration basin. The solids may be collected to the runoff storage facility.

c) Infiltration Basin: The remainder of the feed runoff up to the 25-yr, 24-hr storm is diverted to an infiltration basin designed in accordance with DNR Conservation Practice Standard 1003 (Infiltration Basin). This includes a flat bottom. There should also be a minimum separation of 5 feet from the basin bottom to bedrock and the calculated sub-surface saturation level (consistent with absorption pond criteria in s. NR 214.12, and the post-construction infiltration practice criteria in NR 151).

Required minimum infiltration basin volume for all of the following:

- The 25-yr, 24-hr storm over the feed storage area and on the infiltration basin surface (minus any flow diverted to the runoff storage facility).
- A 1 foot margin of safety.

Required minimum infiltration basin area based on all the following:

- The infiltration basin area is sized according to the infiltration capacity of the local soils with a target drawdown time of 72-hours for the 25-yr, 24-hr rainfall depth (minus any flow diverted to storage) to minimize plant mortality and to maintain capacity for another 25-yr, 24-hr rain event.
- The infiltration rate (static infiltration rate) is determined by either soil texture or in situ field measurements according to DNR Conservation Practice Standard 1002 (Site Evaluation for Stormwater Infiltration).

Vegetation: Cut and remove vegetation at least annually to reduce nutrient loading.

Discharge to Infiltration: Multiple discharge points may improve infiltration.

Soil Amendments: The infiltration effectiveness may be improved with soil amendments.

d) Infiltration Basin Drawdown: If the 72-hr drawdown time is not met accumulated runoff must be removed for application to land application areas according to NR 243.14 and the approved NMP; or when land application is not possible, the runoff is transferred to another storage.

e) Groundwater Monitoring: On a case by case basis, groundwater monitoring may be required under the authority of NR 243.15(6). If the infiltration basin causes an

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exceedance of groundwater quality standards, the DNR will take action under NR 140 to address the exceedance.

Option 4 - Sloped Infiltration with Recirculation: This may be used to retrofit an existing VTA.

a) Runoff Storage Facility: Feed runoff is collected into a storage facility (see Option 3a above).

b) Solids Collection: Runoff solids are separated as described in Option 3b above.

c) Infiltration Area: The remainder of the feed runoff is diverted to an infiltration area which has been graded and is moderately sloped. There should be a minimum separation of 5 feet from the infiltration area surface to bedrock and sub-surface saturation (consistent with absorption pond criteria in NR 214 and the post-construction infiltration practice criteria in NR 151).

   An end collection device is installed at the downstream end of the infiltration area to prevent discharge from the infiltration area up to the 25-yr, 24-hr storm. This collection could be a storage facility (see "Requirements that Apply to All Options Listed", above) or a bermed area with a sump. A pump is installed to recirculate accumulated runoff back to the top of the VTA.

   The infiltration area should be sized to infiltrate the runoff from a 25-year storm (minus any flow diverted to storage) within 72- hours as described for the Infiltration Basin example above. The infiltration area should have a design infiltration rate that is ½ of that used for an infiltration basin, because the infiltration area is sloped so the runoff is flowing and a "dynamic" infiltration rate applies (see DNR Conservation Practice Standard 1005 Vegetated Infiltration Swale).

   Hydraulic modeling of the infiltration area, end collection volume and pump system can be used to demonstrate no discharge of runoff from the 25-yr, 24-hr rain event.

   Vegetation: Cut and remove vegetation at least annually to reduce nutrient loading.

   Soil Amendments: The infiltration effectiveness may be improved with soil amendments.

d) Infiltration Facility Drawdown: If target drawdown times are not met extra steps must be taken (see Option 3d above).

e) Groundwater Monitoring: As described in Option 3e above, groundwater monitoring may be required on a case by case basis, and appropriate action may be pursued if groundwater quality exceedances occur.

f) Example: A storage facility sized for the runoff from the 25-yr, 24-hr rain event, with metered release to an infiltration area. If the collected runoff is released at a rate that matches the infiltration capacity of the infiltration area, there is no runoff at the end of the infiltration area to pump for recirculation.

Option 5 – VTA discharging to an Internally Drained Area:

VTAs designed according to the previous NRCS 635 standard could possibly be considered compliant with the "no discharge" requirement by the Department on a case by case basis if the ultimate destination of the VTA discharge is an internally drained area. It must be demonstrated that the internally drained area has enough capacity to hold all of the runoff from the entire drainage area (including the feed storage area) up to and including the 25-yr, 24-hr storm prior to flowing beyond the internally drained area. If the internally drained area has drain tile, it is likely a surface water discharge would occur and this practice would not be considered compliant. The discharged runoff shall not cause exceedances of groundwater quality standards according to NR 243.13(5) and shall not impair wetland functional values according to NR 243.26(4)3. Discharge to internally drained areas considered to be susceptible to groundwater contamination as described in NR 243.15(3)(c)2.a. would likely not be considered acceptable. On a case by case basis, groundwater monitoring within the internally drained area may be required under the authority of NR 243.15(6). If there is an exceedance of groundwater quality standards, the DNR will take action under NR 140 to address the exceedance.

Option 6 – Covered Feed Storage:

The feed storage area is permanently covered (such as with a roof) so that rainfall cannot come into contact with stored feed. This includes the area in front of the working face of the feed. A variation would be to configure the feed storage drainage and plastic tarps such that runoff from the tarps is diverted off the feed storage, without coming into contact with silage. Runoff control requirements could be reduced according to how much rainfall can be prevented from making contact with silage. Non-rainfall related leachate collection to a DNR approved storage is required.

Option 7 – Enhanced Treatment:

The feed storage runoff goes through a treatment system (such as a reverse osmosis system) to separate out nutrients and other pollutants, creating a concentrated waste and a relatively clean effluent. The resulting effluent could be used for other on-farm uses. If treatment achieves low enough contaminant concentrations, the permittee may apply to discharge the effluent to a surface water under a WPDES CAFO permit, however, additional discharge restrictions, limitations and monitoring requirements apply to such discharges.

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CREATED:

_____ _____

Bernie Michaud, Water Resources Engineer Date
On behalf of the Ag. Runoff Program

APPROVED:

_____ _____

Mary Anne Lowndes, Chief Date
Runoff Management Section

Runoff Management Policy Management Team approved on _____ (date).

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Message

From: Millerick, Jayne [Jayne.Millerick@nh.gov]
Sent: 6/19/2017 6:30:53 PM
To: CWAwotus [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1dc2d9cc17e84b49ae0daec76bd5a659-CWAwotus]; 'stacey.m.jensen@usace.army.mil' [stacey.m.jensen@usace.army.mil]
CC: 'Hoelscher, Douglas L. EOP/WHO' [Ex. 6]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Ellms Jr, Christopher [Christopher.EllmsJr@nh.gov]
Subject: Letter from Governor Sununu (NH)
Attachments: Gov Sununu Letter to EPA re Waters of the United States.pdf; EPA Waters of the United States Letter.pdf

Hello Donna and Stacey:
Attached please find Governor Chris Sununu's response to Secretary Pruitt and Douglas Lamont's request for feedback (also attached). Thank you for the opportunity. Please be in touch any time with questions or concerns.
Best,
Jayne

Jayne Millerick
Chief of Staff, Governor Christopher T. Sununu
State of New Hampshire
Jayne.Millerick@nh.gov | (Ex. 6

Christopher Ellms Jr.
Policy Advisor
Office of Governor Chris Sununu
State House
107 North Main Street
Ex. 6

May 8, 2017

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 03301

Dear Governor Sununu:

We are writing to solicit your input and wisdom on a forthcoming proposal to revise the definition of waters of the United States (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)).

This action follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. The Order also directs the Environmental Protection Agency and the Department of the Army (hereinafter "the agencies") to review the existing Clean Water Rule for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with the law. Further, the Order directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

Consulting with state and local government officials, or their representative national organizations, is a priority for us and President Trump. We believe this is an important step in the process prior to proposing regulations that may have implications on federalism as defined by the agencies' policy for implementing the Order. We hope to keep the states at the forefront of our mission and your input during the federalism process will enable us to do that effectively.

The agencies are implementing the Order in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule. First, the agencies are taking action to

establish the legal *status quo* in the Code of Federal Regulations, by re-codifying the regulation that was in place prior to issuance of the Clean Water Rule and that is being implemented now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule. Second, the agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule with one that reflects the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

The federalism consultation for the new definition began with an initial meeting held April 19, 2017, with state and local government associations. In addition to discussions our respective staffs will have with associations and individual state environmental agencies, we are reaching out to you directly to ensure we receive the benefit of your particular state's experiences and expertise. The agencies are soliciting written comments from state and local governments until June 19, 2017. Enclosed is a PowerPoint presentation that provides brief background information on the process the agencies intend to follow, identifies some questions we are hoping states can help us answer, and includes instructions for providing us with your comments.

Cooperative federalism is a guiding principle for us. We want to clearly understand what definition will work best for your state as we develop a new federal definition of "waters of the United States" consistent with the Scalia opinion. In addition, we are interested in understanding how your state might respond to a reduced scope of federal jurisdiction under the Clean Water Act.

If you or your staff have further questions, please feel free to contact Donna Downing at (202) 566–2428 or CWAwotus@epa.gov, or Stacey Jensen at (202) 761-5856 or stacey.m.jensen@usace.army.mil.

Respectfully yours,

Scott Pruitt
Administrator
Environmental Protection Agency

Douglas W. Lamont, P.E.
Senior Official Performing
the Duties of the Assistant
Secretary of the Army
(Civil Works)

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

June 19, 2017

Scott Pruitt
Administrator
U.S. Environmental Protection Agency

Douglas W. Lamont, P.E.
Senior Official Performing
the Duties of the Assistant
Secretary of the Army (Civil Works)

Via Electronic Mail

RE: Proposal for the Clean Water Rule

Dear Administrator Pruitt and Mr. Lamont:

I am writing in response to your May 8, 2017 letter requesting input for the proposal to revise or repeal the definition of "the waters of the United States" under the Clean Water Rule (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37054 (June 29, 2015)). Let me begin by expressing my appreciation for the opportunity to provide input on this important effort and to share my thoughts on potential revisions to the Clean Water Rule and how such revisions might benefit New Hampshire.

As an initial matter, I firmly believe that individual states should be given the necessary discretion to determine how to regulate development activities within their borders. Each state is unique, and the needs of a small and rural state such as New Hampshire are bound to be different from those of larger and more developed states. Federal involvement should be reserved for the relatively few projects that have the potential to impact interstate commerce. These principles are consistent with the intent of the Clean Water Act and, as further explained in this letter, should be reflected in any revisions to the Clean Water Rule.

A. The Clean Water Rule should be revised to narrow the scope of the definition of "waters of the United States."

The Clean Water Act makes it illegal to place any pollutant, including fill materials, into navigable waters. 33 U.S.C. 1251 et seq. The CWA defines "navigable waters" as "the waters of the United States." 33 U.S.C. 1362(7). Justice Antonin Scalia clarified what constitutes "the waters of the United States" in *Rapanos v. United States*, 547 U.S. 715 (2006). The Presidential

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TDD Access: Relay NH 1-800-735-2964

Executive Order of February 28, 2017 on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" directs the EPA and the Department of the Army to define "the waters of the United States" consistent with Justice Scalia's opinion in *Rapanos* rather than the Clean Water Rule of 2015.

Justice Scalia defined "the waters of the United States" as relatively permanent, standing or continuously flowing bodies of water. Justice Scalia also stated that wetlands are considered "waters of the United States" only if they have a continuous surface connection to jurisdictional waters such that it would be difficult to tell where one ends and the other begins.

In order to adequately clarify "waters of the United States" consistent with the Scalia opinion, the terms "relatively permanent" and "continuous surface connection" must be defined. While Justice Scalia did not provide further insight into these terms, they can still be defined consistent with his opinion.

To remain consistent with Justice Scalia's opinion, the term "relatively permanent" should mean waters that continuously flow throughout the year. Scalia described relatively permanent waters as continuously present, fixed bodies of water, including oceans, lakes, rivers, streams and other bodies of water that form geographic features.

Footnote 5 to Justice Scalia's opinion states "[we] do not necessarily exclude seasonal rivers, which contain continuous flow during some months of the year but not flow during the dry months" (emphasis omitted). Therefore, the definition of "relatively permanent" should also include any waters which occur at regular intervals and at predictable times with reasonable certainty. This places seasonal rivers, lakes, and other waters within the definition of "relatively permanent," but excludes waters that flow intermittently or only as drainage for rainfall.

The term "continuous surface connection" should be defined as the uninterrupted flow of surface water between "waters of the United States" and other waters such that it is difficult to determine the boundary between them. The opinion explains that only water where "there is no clear demarcation between 'waters [of the United States]' and wetlands are 'adjacent to' such waters and covered by the Act." To remain consistent with Justice Scalia's opinion, only wetlands which directly connect to the "waters of the United States" should be covered by the Act, as wetlands which do not directly connect would be easily delineated from jurisdictional waters. Additionally, if the wetlands are directly connected to the jurisdictional waters but are easily delineated from them, then they should not be covered under this definition as it requires "no clear demarcation between 'waters [of the United States]' and the wetlands."

B. Narrowing the scope of the definition of "waters of the United States" would benefit New Hampshire and would not adversely affect the State's environmental protection efforts.

Adopting a narrower definition of "the waters of the United States" would benefit New Hampshire. Decreased federal jurisdiction resulting from a narrow definition creates easier access to permitting for New Hampshire citizens. Currently, many New Hampshire wetlands are considered "waters of the United States" and require permitting for alterations though the Army

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Corps of Engineers. As Justice Scalia notes, general permits for minimal impact alterations cost an average of $28,915 and take 313 days, while individual permits for larger impacts cost an average of $271,596 and 788 days. (Sunding & Zilberman, The Economics of Environmental Regulation by Licensing: An Assessment of Recent Changes to the Wetland Permitting Process, 42 natural Resources J. 59, 74-76 (2002)) These costs place permits out of reach for the average New Hampshire citizen. With the narrower definition, citizens wanting to make alterations to land and water will more often only need to apply for state permits, saving them considerable cost and time.

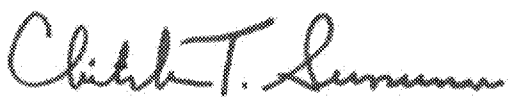
Similarly, the costs of wetland alteration will be significantly reduced for New Hampshire businesses with the narrower definition. The reduction in cost and time will promote business development within the state and stimulate New Hampshire's economy.

The narrower definition would also comport with the goal of the Presidential Executive Order of February 28, 2017 to promote federalism by allowing New Hampshire to regulate the water and land contained within the state on its own. The narrower definition considers fewer waters as "waters of the United States" and therefore places those waters under state, rather than federal, jurisdiction. If these waters are not under federal jurisdiction, then New Hampshire is free to regulate them on its own.

Finally, and most importantly, adopting a narrower definition of "waters of the United States" would not adversely affect New Hampshire's environmental protection efforts. Currently, the EPA oversees the enforcement of the Clean Water Act within New Hampshire. However, New Hampshire also has its own regulations and programs that are designed to protect the State's waters (see generally NH RSA 485-A:17). These protections are robust, and New Hampshire's Department of Environmental Services does an excellent job at enforcing the protections and ensuring that individuals and businesses alike remain in compliance with applicable requirements. Thus, removing certain waters from federal jurisdiction would not leave New Hampshire's waters unprotected.

Thank you again for the opportunity to share my thoughts on this matter. If my team can be of any further assistance, please do not hesitate to contact my legal counsel, John Formella, at 603-271-2121 or john.formella@nh.gov.

Sincerely,



Christopher T. Sununu
Governor

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

Message

From: Brown, Eric (GOV) [BrownE15@michigan.gov]
Sent: 6/29/2017 2:48:25 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Michigan Pipeline Report

Thank you!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, June 29, 2017 10:09 AM
To: Brown, Eric (GOV) <BrownE15@michigan.gov>
Subject: Re: Michigan Pipeline Report

Got it. Thanks and I will make sure the right people see this!

On Jun 29, 2017, at 10:03 AM, Brown, Eric (GOV) <BrownE15@michigan.gov> wrote:

> Tate –
> The State of Michigan commissioned an independent report evaluating alternatives for the petroleum pipeline that runs under the Straits of Mackinac in the Great Lakes. Please pass along the information below from the Michigan Department of Environmental Quality and the Michigan Agency for Energy to whomever in your shop may be interested. Thanks,
> --Eric
>
> **Eric K. Brown**
> Deputy Director, Federal Relations
> State of Michigan – Governor Rick Snyder
> Washington D.C. Office
> Ex. 6 (office)
> (mobile)
>
> ---
>
> Good morning.
>
> At 10:00 a.m. today, the State of Michigan's Line 5 Alternatives Report will be released and will be available at the following link: www.mipetroleumpipelines.com. The report identifies and compares alternatives to the existing pipeline and has been commissioned to help inform decisions regarding the future of Line 5.
>
> We want to stress that the report is not final and various aspects may be influenced by public feedback. We have developed a robust public comment plan and we invite you to submit comments online at www.mipetroleumpipelines.com. The public comment period begins on July 6.
>
> As you are aware, last Wednesday, the State was forced to terminate its contract with DNVGL related to the Line 5 Risk Assessment due to an incurable conflict of interest. We are releasing only the Line 5 Alternatives Report today while working through how best to address the need for an objectively independent Risk Analysis on Line 5.

Should you find yourselves in need of additional information, please do not hesitate to reach out to Eric Brown, Deputy Director - Federal Relations for the State of Michigan.

Sincerely,

Valerie Brader
Executive Director, Michigan Agency for Energy

Heidi Grether
Director, Michigan Department of Environmental Quality

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/9/2017 2:49:42 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: EMBARGOED until 11 AM EASTERN

Are you also emailing each state their specific version?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 09, 2017 10:45 AM
To: Bennett, Tate
Cc: Bowman, Liz
Subject: EMBARGOED until 11 AM EASTERN

This morning, Administrator Pruitt is mailing the attached letter to all 50 governors, PR and territories garnering feedback on what a workable definition of WOTUS would look like for your specific state. He requests feedback **be sent to the EPA by June 19th.** Knowing of your boss's particular interest in WOTUS, we wanted to give your office advance notice.

CC'd is Liz Bowman in our communications shop who would certainly be happy to work with you on press, statements, etc., should your office be inclined.

Let us know if you have any questions.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

EPA & U.S. ARMY SOLICIT STATE INPUT ON REDEFINING "WATERS OF THE U.S."
"EPA is restoring states' important role in the regulation of water" – Administrator Pruitt

WASHINGTON – U.S. Environmental Protection Agency and the U.S. Army sent a letter to governors today soliciting input from states on a new definition of protected waters that is in-line with a Supreme Court Justice Antonin Scalia's opinion in the 2006 *Rapanos v. United States* case. Scalia's definition explains that federal oversight should extend to "relatively permanent" waters and wetlands with a "continuous surface connection" to large rivers and streams.

"EPA is restoring states' important role in the regulation of water," **said EPA Administrator Scott Pruitt**. "Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat."

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " **said Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.**

The Clean Water Act asserts federal control over "traditionally navigable waters" without providing clarity or details about the law's scope. President Donald Trump signed an executive order on February 28, 2017 to direct federal agencies to roll back and replace the Obama Administration's Clean Water Rule – also known as the "Waters of the U.S." or WOTUS – to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

To meet the objectives of the executive order, federal agencies are following a two-step process that will provide as much certainty as possible, as quickly as possible, to the regulated community and the public during the development of the replacement rule.

The first step is to revise the Code of Federal Regulations to re-codify the definition of "Waters of the United States" which currently governs administration of the *Clean Water Act*, in light of a decision by the U.S. Court of Appeals for the Sixth Circuit staying a definition of "Waters of the United States" promulgated by the agencies in 2015. This action will simply make the text of the Code of Federal Regulations reflect the definition currently in effect under the Sixth Circuit stay. This action, when final, will not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance documents, and longstanding practice.

The second step will be a public notice-and-comment rulemaking involving a substantive reevaluation and revision of the definition of "Waters of the U.S." in accordance with the executive order. The letter sent to governors today is seeking input on the second step of the process.

###

Message

From: Hoelscher, Douglas L. EOP/WH Ex. 6
Sent: 4/25/2017 11:19:25 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Groen, Stephanie [stephanie.groen@iowa.gov]
Subject: EPA -- Iowa Anti-degradation issue

Hi Tate,

Just got off the phone with Stephanie Groen with Gov. Branstad -- she is interested in talking with you all about the Iowa anti-degradation issue that the Governor and Lt. Governor discussed with the Administrator in late February. I believe your COS may have taken the issue for action, but wanted to connect you with Stephanie. I believe the Governor and Lt. Governor might be speaking with the Administrator via phone on Friday.

Sincerely,
Doug

Message

From: Hoelscher, Douglas L. EOP/WHC Ex. 6
Sent: 6/29/2017 2:27:02 PM
To: Lyon, Kayla [kayla.lyon@iowa.gov]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Stephanie Groen [Stephanie.Groen@iowa.gov]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: Pruitt Iowa event on the 8th

Hey guys – I'm going to have a conflict but please forge on without me – glad to jump in if helpful but Team IGOV places Team EPA in good hands

-Doug

From: Lyon, Kayla [mailto:kayla.lyon@iowa.gov]
Sent: Thursday, June 29, 2017 9:59 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Hoelscher, Douglas L. EOP/WHO Ex. 6 Stephanie Groen <Stephanie.Groen@iowa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Pruitt Iowa event on the 8th

Tate,

Let's stick with 10:00 central.

Please use the following information so we can all be on the call:

Ex. 6

Thanks!

Kayla

On Wed, Jun 28, 2017 at 6:23 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Stephanie and Doug will be on pacific time so perhaps afternoon is better? Doug, we'd love to have your input!
>
> On Jun 27, 2017, at 7:05 PM, Kayla Lyon <kayla.lyon@iowa.gov> wrote:
>
>> I figured - big day! Tomorrow won't work for us. How about Thursday at 10:00 central?
>>
>> On Tue, Jun 27, 2017 at 3:57 PM Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>>> Sorry Kayla! Was slammed with WOTUS today. Maybe we can all huddle tomorrow?
>>>
>>> **From:** Lyon, Kayla [mailto:kayla.lyon@iowa.gov]
>>> **Sent:** Monday, June 26, 2017 12:07 PM
>>> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
>>> **Cc:** Ex. 6 Stephanie Groen <Stephanie.Groen@iowa.gov>
>>> **Subject:** Re: Pruitt Iowa event on the 8th

Good morning, Tate!

I would like to include Stephanie Groen on the call too so we are all on the same page. Could we set up a time for a call? Would 2:00 central work tomorrow?

Thanks!

Kayla

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/2/2017 6:36:36 PM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Girard, Alexander C - GOV [Alexander.Girard@wisconsin.gov]; Eberle, Ed - DNR [Ed.Eberle@wisconsin.gov]; Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: RE: EPA Call with Quinn William (WI Dept Natural Resources)

Hello everyone:

Let's use this conference line phone number for today's call:

Ex. 6

Ex. 6

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

-----Original Appointment-----
From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, May 31, 2017 6:30 PM
To: Greenwalt, Sarah; Bennett, Tate; Williams, Quinn L - DNR; Roskam, Kyle - GOV; Wagner, Kenneth
Cc: Dominguez, Alexander; Girard, Alexander C - GOV
Subject: EPA Call with Quinn William (WI Dept Natural Resources)

When: Friday, June 02, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Sarah/Tate to call Ex. 6 Room 3315D)

Sent Thu 6/1/2017 10:25 AM
Hey Quinn – I apologize but we are going to have to push this until tomorrow as both Tate and Sarah's schedules got backed up this morning. To play it on the safe side would you be able to do tomorrow (Friday) afternoon say 3:30 or 4:00 ET? We shouldn't run into any issues then.

Alex

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is Ex. 6 and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

<< File: 2016 03 04_WI CAFO VTA letter.pdf >>

Delivery Report

From: Postmaster@oa.mo.gov [Postmaster@oa.mo.gov]
Sent: 5/12/2017 1:29:02 PM
To: michael.roche@mo.gov
Subject: Undeliverable: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Attachments: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Your message
To: Bennett, Tate
CC: Bowles, Jack; Cook-Shyovitz, Becky
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Sent: 5/12/2017 1:28:54 PM

Delivery has failed to these recipients or groups:

michael.roche@mo.gov
The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: state.mo.us

michael.roche@mo.gov
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##rfc822;michael.roche@mo.gov

Original message headers:

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 (10.241.42.20) with Microsoft SMTP Server (TLS) id 14.3.319.2; Fri, 12 May
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Received: from localhost.localdomain (localhost [127.0.0.1]) by
 ocsempsl.state.mo.us (Postfix) with SMTP id 3wPW5s3SXxz3xrNdfor
 <michael.roche@mo.gov>; Fri, 12 May 2017 08:29:05 -0500 (CDT)
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 momail5.mo.gov with ESMTP id 2ac8bdxjcj-1    (version=TLSv1.2
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From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Bowles, Jack" <Bowles.Jack@epa.gov>, "Cook-Shyovitz, Becky"
        <Cook-Shyovitz.Becky@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement
 Agreement
Thread-Topic: Intro at EPA / EPA and Pebble Limited Partnership Reach
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Thread-Index: AdLLI5rEKPtTyQaLSL6ZItWoqarltg==
Date: Fri, 12 May 2017 13:28:54 +0000
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X-MS-TNEF-Correlator:
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 (UTC)
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 signatures=0
X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 suspectscore=0
 malwarescore=0 phishscore=0 adultscore=0 bulkscore=7 classifier=spam
 adjust=0 reason=mlx scancount=1 engine=8.0.1-1703280000
 definitions=main-1705120253
Return-Path: Bennett.Tate@epa.gov

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/8/2017 4:50:38 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: next steps for VTA discussion

Perfect

On Jun 8, 2017, at 11:36 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Could you do 11:15 ET?

From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Thursday, June 8, 2017 12:27 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: next steps for VTA discussion

That would be great!

What times work for all of you?

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, June 08, 2017 11:24 AM
To: Williams, Quinn L - DNR
Cc: Greenwalt, Sarah; Bennett, Tate
Subject: RE: next steps for VTA discussion

Thanks Sarah.

Quinn – Looping in Tate as well. We'd be more than happy to set up a call for tomorrow if you would like.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Greenwalt, Sarah
Sent: Wednesday, June 7, 2017 11:26 PM
To: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: next steps for VTA discussion

I am overseas on a work trip and will not return for another few days. If you'd like to discuss tomorrow I would encourage you to contact my senior policy analyst, Alex, who is cc'ed here.

Best,
Sarah

Sent from my iPhone

On Jun 8, 2017, at 1:09 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> You around for a quick call?
>
> **We are committed to service excellence.**
> Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.
>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6
> (☎) fax: (608) 266-6983
> (✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
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From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, June 07, 2017 11:50 AM
To: Williams, Quinn L - DNR
Subject: Re: next steps for VTA discussion

Thank you for this information.

Sent from my iPhone

On Jun 7, 2017, at 3:01 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> Hi Sarah.
>
> See below. For our ongoing discussions.
>
> **We are committed to service excellence.**
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>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
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From: Crass, David A (22267) [mailto:DACrass@michaelbest.com]
Sent: Tuesday, June 06, 2017 1:39 PM
To: Williams, Quinn L - DNR; Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Quinn: Thank you for forwarding and I apologize my schedule has prevented me from attending the last couple of sessions. We were aware of this letter from Ms. Hyde because Pam and MaryAnne cited it to us--as well as EPA's February 19, 2016 report of the results of the third state enforcement review-- when we first met last Spring to discuss these issues as a basis for the Department's state-wide pronouncements and actions concerning VTAs and calf hutches. I'd ask you to consider the following about those EPA documents as relates to Wisconsin's position and response:

The EPA Documents concern conditions observed at 8 CAFOs in Wisconsin. We have nearly 300 Large CAFOs I believe, meaning the "sample size" was about 0.03%. It was on this sample size that Ms. Hyde's letter is based when she communicates that EPA has "concerns" about whether the effluent limitations for both the federal and state program are being met statewide. However, USEPA's February 2016 report summary simply concludes that there is the "potential for discharge" in the report entries summarized concerning manure storage, feed storage, VTA's, feed lot areas and calf hutch areas:

Category	Findings
Stacking Areas of Manure, bagged feed, used bedding and feed.	5 of 6 facilities were found to be stackin bedding and/or feed in unsuitable areas the potential for runoff into a waterway.
Feed Storage Areas	7 out of 8 facilities had the potential for unauthorized discharges either from no containment, improperly designed, and/ improperly managed feed storage struc
Vegetated Treatment Areas	4 out of the 6 facilities had unauthorizec discharges from the VTA.
Feed Lot Areas	2 out of the 2 had problems with inadeq no containment for their feedlot runoff. runoff had the potential to discharge to waters.
Calf Hutch Areas	3 out of 3 had problems with runoff from hutch areas that had the potential to dis to surface waters.

Note with respect to VTAs the report notes "unauthorized discharges" from the production area but does not mention "...to navigable surface waters." All other entries simply mention a "potential" to discharge. Further to that, under the "next steps" column in the summary report, USEPA writes:

> WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of *all wastestreams that have potential to discharge* including production area storm water runoff, feed storage areas, calf hutch area, and vegetated treatment areas.

It is ironic that USEPA would focus on areas of "potential" discharge in Wisconsin when its own effluent guideline and permitting authority only applies to Large CAFOs that have an *actual* discharge to navigable surface waters. See, *Waterkeeper Alliance, Inc. et al v. EPA,* 399 F.3d 486(2d Cir. 2005). WDNR should point out to USEPA that its permitting program is more expansive than USEPA's, since Wisconsin Large CAFOs do not enjoy the option of self-determining that they are a "no-discharge CAFO" and hence do not need a permit and since Wisconsin's program also requires groundwater protection. It seems to us inappropriate and a federal overreach for USEPA to suggest that a properly promulgated and incorporated technical design standard "does not ensure the required level of performance is being achieved" *statewide* when USEPA's own reports suggest only "potential discharges" that would not themselves trigger a permitting requirement under the federal program.

Thank you.

David A. Crass
Partner
Industry Group Chair, Agribusiness, Food & Beverage
T: Ex. 6 michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----
From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 12:33 PM
To: Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com); Crass, David A (22267)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Williams, Quinn L - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Hello everyone,

For those of you who may not have seen it, please see the attached letter from EPA regarding VTAs from March of 2016 that is relevant to the guidance/discussions.

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(() phone: Ex. 6
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(() e-mail: quinn.williams@wisconsin.gov

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Message

From: Matthews, Demond [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DAF7E6EEC58841DF8B3236D8CCC400D6-MATTHEWS, D]
Sent: 6/14/2017 5:49:33 PM
To: jordan@burlingtonvt.gov; rbartlett@peterboroughnh.gov; andy@parkcity.org; Eargle, Frances [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a63fca70ff3944cebf60b10b80a2acb6-FEargle]; Don Larson [larsons@itctel.com]; Mayor@greensburgks.org; shawkins@forestheightsmd.gov; gbgdixsons@yahoo.com; mayor@burlingtonvt.gov; mayor@hattiesburgms.com; cowdoc75@hotmail.com; Ragnew@nmda.nmsu.edu; syanity@stillaguamish.com; rsundberg@co.humboldt.ca.us; jwitte@nmda.nmsu.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=542ee3fee247433d9a6d043d7df73ada-jwitte@nmda]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Jeffrey Tiberi [tiberi52@gmail.com]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; eileen.beard@tn.gov; tom.womack@tn.gov; Jai Templeton [Jai.Templeton@tn.gov]; Joyce Jackson [Joyce.Jackson@tn.gov]; clint.mcaffee@parkcity.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=edfbc30d76d141b2a212baef0a37867e-clint.mcaffee@parkcity.org]; Levine, Lacy [llevine@nmda.nmsu.edu]
Subject: UPDATE: REMINDER: Small Communities Advisory Subcommittee (SCAS) Teleconference, Wednesday, June 14, 2:00-3:00pm EDT : Call in Ex. 6
Attachments: SCAS-Agenda-June 14-2017.docx; WOTUSFedSlides4.19.17.pdf; LGAC-WOTUS-Charge-05-17-17-.pdf; WaterWG-ChargeIssues-June5-17(2).docx; LGAC-ChargeQs-06-05-17 (002).docx

UPDATE: I have added the Issue Paper and the Charge Response that the Water Workgroup cleared last week.

Good Afternoon SCAS Members,

The following is a reminder for all who can attend that the Small Communities Advisory Subcommittee will having its final working session **Wednesday, June 14, 2:00-3:00pm EDT** to discuss agricultural and rural issues related to the LGAC Waters of the U.S. (WOTUS) Charge. We would like to give all members this final opportunity to look at the WOTUS materials. The call in number is Ex. 6. Agenda added.

The following attachments concerns the LGAC WOTUS Charge, and the link below is to the **LGAC 2014 Report on Waters of the U.S**. (*Pages 13-23 addresses agriculture, definitions, Interpretative rule and implementation*).
Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._report.pdf
Transmittal Letter of the Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._letter_to_adm_gmccarthy.pdf

The Water Workgroup has a short turnaround.

Look forward to hearing everyone on the call.

V/r,

DEMOND L. MATTHEWS
Presidential Management Fellow

Small Communities Intergovernmental Liaison
EPA Office of Congressional & Intergovernmental Relations
1200 Pennsylvania Ave NW
Mail Code 1301-A
Washington, DC 20004
Phone: 202-564-3781 Cell: Ex. 6

CHARGE QUESTIONS AND DRAFT RESPONSES

- **Question: 1-** How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

1.a. How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined?

Background:

In the Rapanos v. United States 547. U.S. 715 (2006), the Supreme Court provided a plurality decision of four justices, led by Justice Scalia. The decision basically challenged federal jurisdiction to regulate isolated wetlands under the Clean Water Act. It also applied a very narrow interpretation to CWA jurisdiction, extending the agencies' regulatory authority only to "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters. Justice Kennedy focused on whether the waters in question have a "significant nexus" to traditional navigable waters, *i.e.*, whether they, "either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.'"

The LGAC has previously commented that they would prefer a clear and simple approach for jurisdictional determinations such as an approach that yields categorical answers of jurisdiction in these categories: 'yes', 'no' or 'maybe' responses. Any of these answers are sufficient for local governments if these answers are provided in a timely fashion.

Recommendation: EPA and the Corps should apply simple approaches that yield jurisdictional calls with simple criteria that give a 'yes', 'no' or 'maybe' answer. (LGAC Report 2014)

[Council Member Brad Pierce-City of Aurora, CO Comments]

Potential Approaches to "Relatively Permanent" Waters

The potential approaches to include streams with seasonal flows or streams with another offflow will capture ephemeral and intermittent streams into the definition of "relatively permanent" waters, which we believe is inappropriate. Each of these approaches would need to define metrics and thresholds at which a stream is considered "relatively permanent," and such metrics will vary geographically on a case-by-case basis and the definition of thresholds will be subjective.

Including perennial streams only as "relatively permanent waters" is the appropriate approach. EPA should ensure that ephemeral and intermittent streams and erosional features in the arid West, such as arroyos and dry washes, are non-jurisdictional. Ditches and canals that only carry intermittent flows of water and that are not a relocated tributary or excavated in a tributary, as well as stormwater control features that periodically flow in response to significant precipitation events, should also be exempted.

Potential Approaches to Wetlands with a "Continuous Surface Connection"

The potential approach to develop metrics to identify "some degree of connectivity" should not be utilized. This will require subjectively defining thresholds for what constitutes a significant degree of connectivity, which should be avoided. While including as jurisdictional those wetlands that directly touch jurisdictional waters is appropriate, there may also be circumstances where the current practice of considering wetlands with a continuous surface connection, regardless of distance, to be

jurisdictional is not appropriate. Such connections should be perennial and should not include ephemeral and intermittent connections.

Wetlands with permanent, continuously flowing, surface connections should be included. Where such connections do not exist, the wetlands should be exempted. EPA should ensure that where there are overland flows through dryland breaks to a WOTUS, this type of break renders a tributary up gradient of the dryland break to be non-jurisdictional. EPA should explicitly recognize that features where water may be present (for instance, in residual ponds resulting from placer or other mining efforts) are not jurisdictional where a continuous physical channel is absent, a bed-and-bank is not discernible, an ordinary high water mark is not observable, and/or there are no flow characteristics.

1.b. How would you like to see the agencies interpret 'consistent with Scalia'?

Background:

EPA and the Corps issued the 2008 guidance document following the Rapanos case that was intended to clarify WOTUS. It does so by asserting CWA jurisdiction over waters that would meet *either* the plurality test (relatively permanent; continuous surface connection) *or* the Kennedy test (significant nexus). In the Guidance and Memorandum of Agreement between the Corps and EPA, there is a list of key questions and answers, that generally breaks the jurisdictional analysis into three major categories. **NOTE: This guidance did not go out sufficiently for public review and was not communicated well to local governments and other stakeholders.** The first, and presumably more manageable, category includes those waters over which CWA jurisdiction will be asserted in every case; those that do not and the maybe that have a 'significant nexus'.

1.c. Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

Recommendation: Criteria as outlined in the 2008 guidance and or modified can be modified to address clearer definitions and pose a series of questions of relatively permanent or continuous. If answers are 'yes' or 'no' it leads to a 'yes', 'no' or 'maybe' jurisdictional determination.

Recommendation: EPA and the Corps should establish an Interagency Taskforce to develop the matrix of questions to determine 'permanent' and 'continuous' indicators. Their results should be published and the public given the opportunity to give comment. (LGAC 2014 Report)

Recommendation: An application for Smart phone or hand-held computer should be developed to give a quick jurisdictional determination and sent to all interested parties. (LGAC 2014 Report)

Recommendation: Manmade conveyances, stormwater treatment systems, ditches, farm and irrigation ditches and green infrastructure amenities should be exempt from jurisdiction. Where possible, EPA and the Corps should work with State, local and tribal governments to map these features as well. (NOTE: Drinking water and wastewater treatment utilities may have these features mapped as part of Asset Management features). (LGAC 2014 Report)

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- **Question 2-** What opportunities and challenges exist for your locality with relying on Justice Scalia's opinion?

Background:
Cities and communities care deeply about the quality of water. A concern is where interpretative rules that do not provide sufficient clarity, may add to costs and delays without causing important improvement to water quality. (Goodman letter) We understand that the goal is to make it easier to identify WOTUS a rule interpreting Scalia may not draw bright enough lines for local governments to easily identify those waters affected. Therefore, the use of the Scalia approach of itself is unlikely to significantly resolve all of the considerable uncertainty surrounding CWA jurisdiction (either then or now), or prevent continuing litigation to test the agencies' interpretations in the federal courts. However, the 2008 guidance does have criteria that will pose less uncertainty and yield faster results. If the guidance were to be revised to include clearer definitions and for review to get input from states, local and tribal governments and other stakeholders it could perhaps help to resolve these issues.

Recommendation: Relying on a modified Scalia approach with modified 2008 guidance can provide a clearer certainty of federal jurisdictional waters which will lead to more certainty and more ease in permitting.

- **Question 3: Are there other approaches to defining "waters of the U.S." that you would like the agencies to consider to providing clarity and regulatory certainty?**

Background:
The 2008 guidance document issue post Rapanos offers assistance and criteria to assess jurisdiction of WOTUS (post Rapanos). It is consistent with the Scalia approach but also asserts a modified CWA jurisdiction over some waters. This approach would reflect the opportunity to cover waters significant to states, locals and tribes. The WOTUS rule also confirms certain exemptions from federal jurisdiction, offering federal clarification where there has previously been uncertainty. These exemptions include stormwater detention ponds, wastewater treatment facilities, and "puddles."

Recommendation: The LGAC recommends that a similar approach articulated in the guidance to the 2008 guidance be used to revise the WOTUS rule.

Recommendation: "Significant nexus" test refers to waters that "significantly affect the chemical, physical, ***and*** biological integrity" of traditionally navigable waters, the 2015 WOTUS Rule covers waters that affect the "chemical, physical, ***or*** biological integrity" of navigable waters. That should be changed to 'and' and include all three parameters. (LGAC 2014 Report)

Recommendation: The 2015 rule regulates any area having a trace amount of water if it also has – or ever had – a bed, banks, and an ordinary high water mark (OHWM). This could include many stormwater channels and other features that are almost perpetually dry. Any channel that is part of a stormwater, drinking water utility treatment system should be exempt from a WOTUS jurisdictional determination. For the 2017 revised rule, there could be more predictability and certainty in general if there is a dry bed with a OHWM (with historical aerial or infrared photography that it can be established a WOTUS).

- **Question 4-The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be affected but would not be captured in such an economic analysis?**

The Economic Analysis should be broad to include impacts to not only Clean Water Act programs but also state and local programs. Below are programs from a local government perspective that should be considered in the Economic Analysis:

Source Water Protection-There is a general consensus that protecting the nation's water resources is important to local government. Local governments realize that poor water quality affects the health and economies of their

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133 communities, disproportionally impacting those that are low-income. Local governments also realize that protecting
134 source water bodies like rivers, lakes, streams, wetlands and groundwater is paramount to protecting drinking water.
135 (LGAC 2016 Drinking Water Report). **Under the Safe Drinking Water Act,** Source Water Assessments (SWAs)
136 provide information about sources of drinking water used by public water systems. SWAs are studies or reports
137 developed by states to help local governments, water utilities, and others protect sources of drinking water and are
138 done differently by each state. Each program is adapted to a state's water resources and drinking water needs. To
139 protect source water, the tools of the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) programs are
140 utilized to protect source water. Additional protection tools can be found in other EPA programs and various
141 agricultural programs. Changes made to CWA programs may greatly impact state and local source water protection
142 programs and plans. This could have significant economic impacts to local communities. For example, in Flint,
143 Michigan shifting the source water to the Detroit River water resulted in significant deterioration of water quality that
144 produced significant public health and economic problems. In Portland, Oregon where source water is protected it
145 results in less cost to the rate payers by having Clean Water Protection programs in place. It is unclear how changes
146 in a revised rule will impact streams and tributaries that impact local sources of drinking water. If adequate CWA
147 protections are not in place it could have significant negative economic impacts to water utilities. This costs are likely
148 be transferred to local governments and rate payers. It is also unclear how this may impact the prevalence of toxic
149 algal blooms which have proved very costly on drinking water.

150 **CWA Section 402** - The NPDES permits and discharges could hold significant economic issues for local
151 governments in regard to WOTUS for wastewater treatment, stormwater management, CSOs, and application of
152 pesticides (used for vector control). WOTUS IN 2015 had been a concern about expanded federal jurisdiction to
153 previously unregulated streams, ditches, and wetlands. However, the final rule includes exclusions beneficial for
154 those that operate MS4s. The rule includes key exclusions that may be useful for localities. The rule retains a
155 long-standing exclusion for "waste treatment systems," such as treatment ponds and lagoons. It also adds new
156 exclusions for artificially created ponds, settling basins, construction and mining excavation pits, and wastewater
157 recycling structures. Lastly, the rule finally codifies the well-understood principle that the CWA does not apply to
158 groundwater. For MS4s, the primary concern about the rule has been that it could potentially be used
159 as parts of an MS4 – including stormwater drainage ditches, BMPs, and green infrastructure projects – are "waters of
160 the US." That could mean, for example, that NPDES permit coverage would be required to discharge **into** an MS4 or
161 that a CWA 404 permit would be required to do maintenance on a BMP. The final rule includes, for the first time, a
162 regulatory exclusion for "Stormwater control features constructed to convey, treat, or store stormwater that are
163 created in dry land." However, the exclusion does not apply to ditches that were created in previously
164 existing streams or wetlands.The rule's exclusions are important because they take precedence over the rule's
165 jurisdictional tests. For example, a stormwater conveyance ditch that qualifies for the stormwater exclusion would be
166 excluded from CWA jurisdiction even if the ditch would be considered a jurisdictional water under the tributary test.
167 Furthermore, in a reversal of EPA and the Corps' previous position, the agencies stated that they do not retain any
168 discretion to extend CWA jurisdiction to water features that qualify for one of the rule's exclusions. It is unclear how a
169 revised rule will impact Section 402 permits. Potentially, Section 402 permits could prove more costly than Section
170 404 permitting at the local level in regard to stormwater and wastewater treatment.
171
172 **Pesticide Applications in Waters of the U.S.**- Since 2011, pesticide applications into, over, or near WOTUS are
173 permitted under the CWA National Pollutant Discharge Elimination System (NPDES) Program due to a 2009 U.S.
174 Court of Appeals for the Sixth Circuit ruling. Agricultural producers, pesticide applicators and local governments have
175 opposed or expressed concerns on the permitting largely on the grounds that it is duplicative and unnecessary to
176 regulate pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act
177 (FIFRA). Local governments, mainly county governments are largely responsible for vector control programs to
178 manage mosquitos and spraying of insecticides to reduce vectors and public health concerns. Although the CWR
179 would have arguably expanded the scope of the waters requiring pesticide permitting, the replacement or elimination
180 of the CWR will not end NPDES requirements for pesticides however it may provide opportunity to clarify what
181 discharge waters are subject to federal versus state permits.

182 **Section 303 (d)**- Currently, The National Rivers and Streams Assessment (NRSA) 2008-2009 report provides
183 information on the biological and recreational condition of the nation's rivers and streams and the key stressors that
184 affect them. The Report indicated that about half of our nation's streams (some of which provide sources of drinking
185 water) have poor water quality. Poorer water quality could result in significant treatment costs such as Impaired Water
186 sites under CWA Section 303(d) and transfer the costs to local governments. In addition, communities that rely on
187 these water bodies for drinking water and source water the cost will ultimately be transferred to rate payers having a

significant economic impact to local governments. It is uncertain how changes in a revised WOTUS rule will impact on local governments and their local efforts to improve access to clean water.

Section 319 and Other Grants-It is uncertain as to how the determination of WOTUS will impact grants to states and communities. A grant may be given a priority if it given to protect a Water of the U.S. It is uncertain how that would impact states and communities.

The Coastal Zone Management Act (CZMA) of 1972 provides for the management of the nation's coastal resources, including the Great Lakes. The goal is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." it is administered by the National Oceanic and Atmospheric Administration (NOAA). The National Coastal Zone Management Program aims to balance competing land and water issues through state and territorial coastal management programs through state and locally managed Coastal Zone permits. These CZMA Programs work in tandem with the many tools of the CWA including Section 404. The Economic Analysis should include an assessment of the economic impact to coastal resources and wetlands, including an economic impact analysis to water dependent industries such as fishery (salmon and seafood industry), tourism, and other water dependent industries. For example, in the Puget Sound region, fish hatchery and harvest operations reeled in about $18 million to tribal personal income. In areas where the average annual per capita income is around $10,000, a decline in the availability of healthy fish can significantly impact the economies of these communities. (LGAC Drinking Water Report). An example, the LGAC worked with is evaluating the impacts of the Deepwater Horizon Spill to local governments in the Gulf of Mexico. The Gulf fishing and tourism industries produce $3.5 - $4.5 billion a year. Without adequate federal CWA authorities in place other potential impacts could occur having deleterious impacts to local economies and natural resources.

- **Question 5- What additional information can you provide from a local government perspective that EPA should be aware of?**

DEFINITIONS (LGAC 2014 Report)

Background:

The LGAC fully supports and endorses EPA's efforts for clarification of Waters of the United States. These improvements are long overdue. The LGAC highlights clarity in definitions is critical for the revised rule. While the LGAC does not have specific language recommendations for all of the definitions of a revised rule, the LGAC offers the following for the EPA to consider including, redefining or clarifying in the rule.

These recommendations for definitions are brought forward to consider in the 2017 WOTUS Rule.
.

Recommendations:

- *The LGAC recommends that EPA should, where appropriate, use definitions that are used consistently across all of the federal agencies, e.g. EPA, Army Corps of Engineers, Federal Emergency Management Agency, Department of Agriculture, U.S. Geological Survey and U.S. Forest Services.*

- *The LGAC recommends that an Interagency Workgroup be tasked to develop a glossary of definitions and publish this Interagency Glossary of Terms, following public review.*

- *The LGAC recommends that definitions be practical, written in plain English, and be enforceable.*

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- *The LGAC recommends that narrative descriptions with examples be provided to augment the definitions, as well as pictures, where this could achieve greater clarity.*

- *The LGAC recommends that the public have the opportunity to comment on these proposed definitions.*

- *The LGAC recommends that the following terms, among others, be defined concisely and with clarity: 'other waters', 'significant nexus', 'adjacent' and 'upland'. Furthermore, the LGAC recommends 'upland' be defined based upon exclusion of what it is not.*

- *The LGAC recommends that EPA consider the following when defining these terms:*

Wetlands

- *The LGAC recommends that the current definition of wetlands be used: "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas."*

Floodplains

- *The LGAC recommends using the definition of the Interagency Taskforce on Floodplains- "Floodplains include low-lying areas adjacent to and the water bodies of streams, rivers, lakes, estuaries, and coastal zones that are inundated or may become inundated as a result of changing conditions." The definition of floodplains should take into account movement of flood lines due to account extreme weather events.*

Riparian area

- *The LGAC recommends that riparian areas be defined as "an area bordering a water where surface or subsurface hydrology directly influence the ecological processes and plant and animal community structure in that area. Riparian areas are transitional areas between aquatic and terrestrial ecosystems that influence the exchange of energy and materials between those ecosystems."*

Floodway

- *The LGAC recommends that 'floodway' be defined as a flood course within the banks or within a canyon where water would be expected to flow under normal circumstances.*

Ditches

- *The LGAC recommends a clear definition of 'ditch' be provided in the proposed rule.*
- *The LGAC recommends the following Google Dictionary definition of 'ditch': a "narrow channel dug in the ground typically used for drainage". Examples listed are trench, croft, channel, dike, drain, watercourse conduits.*

Tributaries

- *The LGAC recommends a clear definition of 'tributaries' be included in the proposed rule using clarifying examples.*
- *The proposed rule refers to a term "rain dependent stream". The LGAC recommends that this term be defined and an example of a stream that is not rain dependent be provided.*

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Significant Nexus

- *The LGAC regards this to be the most important definition contained within the proposed rule and at the heart of jurisprudence in the issue of Waters of the U.S. It is uncertain how 'significant' nexus would be interpreted so the Committee recommends EPA describe significant nexus such that it is in plain English, with specific terms and examples.*

- *The LGAC recommends that the agency consider all three parameters of water quality in this determination so that "the chemical, physical, and biological integrity of water" be the criteria used for 'significant nexus'. Likewise, the LGAC does not agree that only one of these features be used as the benchmark, but that all three parameters of chemical, physical and biological integrity of a water body are all equally important.*

- *The LGAC does not agree with the term "significant effect" and also recommends language of "insignificant or speculative" be deleted.*

- *The LGAC is aware that the EPA charged the Science Advisory Board with interpreting significant nexus and connectivity based on the best science available. The LGAC is uncertain as to how the revised rule will make benefit of these important and critical definitions; however, the findings may be important to factor into a revised rule. (REWRITTEN from LGAC 2014 Report)*

[Representative Tom Sloan comments]

Intermittent streams, playa lakes, wetlands, and other waters:

1. In cooperation with states, the EPA to designate intermittent streams and other waters as non-waters of the U.S. based on the following criteria:

a. Seasonal flow of running or standing water — each state to develop its own criteria subject to EPA review and approval;

b. Because of the variability of conditions within and between states, the EPA to provide guidelines for state standards that include factors to be considered, but which do not constitute federal standards. Such factors to include average number of days of stream flow, seasonality of stream flow, rate of stream flow, TMDL levels during such periods, amount of water and TMDLs delivered to the "next" body of water, and such other relevant factors as the Agency deems appropriate.

c. State standards/factors should reflect possible ground water recharge rates from intermittent streams, playa lakes, wetlands, and other waters. Similarly, factors should include potential contamination of ground water from such water bodies.

d. States shall develop metrics for each standard they propose and submit to the EPA for review and approval. EPA to have 120 days from receipt of a completed state plan to review, propose revisions, or deny the submitted standards and metrics. Failure to complete the analysis within 120 days, subject to the EPA and state agreeing on a time extension, shall result in the submitted standards and metrics being deemed accepted.

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e. Three years after the state-submitted standards are accepted, each state shall submit a report to the EPA detailing whether the waters in question continue to meet the EPA-accepted standards, as determined by the state's metrics. The EPA shall determine whether each state shall submit subsequent reports on an annual or other timeline basis.

f. If new, generally accepted scientific findings on issues that may affect water quality standards related to intermittent streams, playa lakes, wetlands, or other designated waters are determined, the EPA may request states review their standards and submit proposed revised plans for the Agency's consideration and approval.

Permanent Bodies of Water:

a. Some wetlands are seasonal and have been addressed above. For those that are permanent, states should be empowered to develop metrics that demonstrate whether the waters released from the wetlands to jurisdictional waters are "cleaner" than the waters that otherwise would flow to those jurisdictional waters if the wetlands were not present.

b. States to submit proposed standards and measurement techniques to the EPA for review and approval. EPA to have 120 days from receipt of completed state plan to review, suggest revisions, and approve or deny the submitted plan. If the review is not completed within 120 days, subject to extension if the EPA and state agree, the submitted plan shall be deemed accepted.

c. States to be encouraged to develop standards and metrics regarding waters from wetlands and other bodies' impact on ground water quality.

- **Question 6- Are there other issues the agencies should consider which would help ease the regulatory burden for implementation of WOTUS for state, local and tribal government?**

Background

The LGAC believes that clear boundaries of WOTUS jurisdiction and clear exemptions are crucial for the support of local governments. Clear boundaries provide for more equitable and predictable permitting and also for better protection of our water resources. (LGAC 2014 Report)

The LGAC concludes, based upon the testimony that we heard and the analysis of the Committee, that a revised rule can significantly clarify the historic confusion and uncertainty resulting from conflicting case law and Supreme Court decisions. (LGAC 2014 Report)

The LGAC has heard a broad level of concerns from municipal associations and county governments concerning MS4s. The LGAC is uncertain of what the regulatory impact will be on MS4s as the proposed rule is currently written. MS4s and green infrastructure are foundational to the continuum of care that is being implemented at the local level to improve water quality. (LGAC 2014 Report)

Much of the uncertainty of MS4s, stormwater and green infrastructure is centered on whether these collection systems or portions of the systems will be required to meet State Water Quality Standards (WQS) under Section 303(d) or potentially a total maximum daily load

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(TMDL) because they will now be considered a "water of the United States." WQS and TMDL were not designed for this application so application within a collection system seems improper. WQS define goals for a waterbody by designating its uses and setting criteria to protect those uses, but there is no established designated use for MS4s. Without a designated use, the default required designated use is as "fishable/swimmable," unless the state demonstrates that it is not attainable for one of six particular reasons, none of which is because the waters serve as storm-water conveyances. A pending EPA proposed rule on water quality standards could make use designation analyses more stringent (i.e., by requiring a "highest attainable use" presumption). Also, if it is not deemed jurisdictional under Section 404 it will likely need a Section 402 permit and subject to WQS. (Goodman Letter)

There could be potential impacts to wastewater systems and the NPDES permitting related to these systems. Because of the exclusion language, the Agency did not seem to analyze the impact to wastewater systems but some cities have raised questions whether some part of combined sewer systems or other aspects of a wastewater treatment systems would be considered within the jurisdiction of the EPA based upon the WOTUS rule. (Goodman Letter)

Many communities already heavily focus on water quality programs and projects; these communities should be encouraged and incentivized to do more. A revised rule should recognize that much of the action towards cleaner water happens at the local level. High performing local agencies should be noted as following best practices and afforded a relaxed regulatory environment in those circumstances where water quality objectives are met and exceeded. (LGAC 2014 Report)

The LGAC believes that making jurisdiction calls of what is exempt and what is not in a timely fashion is critical to protecting water resources and providing predictability to state and local governments. The LGAC believes that easily accessible predictive tools need to be developed and utilized to speed this process. (LGAC 2014 Report)

Recommendations:

- *The LGAC recommends that the use of State General permits be expanded to reduce the regulatory burden and also be used for smaller projects with minimal impacts. It could also be used to address regional and state specific activities and types of water bodies. Under Section 404(e) of the Clean Water Act, the U.S. Army Corps of Engineers can issue general permits to authorize activities that have minimal individual and cumulative adverse environmental effects. Nationwide permits can authorize a wide variety of activities such as mooring buoys, residential developments, utility lines, road crossings, mining activities, wetland and stream restoration activities, and commercial shellfish aquaculture activities. All permits, whether individual or general, must be reissued every five years.*

- *The LGAC recommends that EPA clearly articulate jurisdictional waters in an outreach plan which, in plain English, describes these areas with a clear statement of why they are in need of protection. This will provide local governments with more certainty and assurance in communicating the rule to their communities. (LGAC 2014 Report)*

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403 ➧ *The LGAC highly recommends explicitly specifying when ditches would be considered*
404 *jurisdictional. (LGAC 2014 Report)*
405
406 ➧ *The LGAC recommends that manmade conveyance components of MS4s be exempt from*
407 *Waters of the United States. This includes manmade green infrastructure, roads, pipes, manmade*
408 *gutters, manmade ditches, manmade drains, and manmade ponds. (LGAC 2014 Report)*
409
410 ➧ *The LGAC recommends that natural conveyance components of MS4s are included in Waters*
411 *of the United States. This includes natural wetlands and associated modifications to natural*
412 *wetlands. (LGAC 2014 Report)*
413
414 ➧ *The LGAC recommends that green infrastructure projects be exempt from WOTUS and that*
415 *they should be incentivized to protect water resources.. (LGAC 2014 Report)*
416
417 ➧ *The LGAC recommends that there be some criteria which exempt certain activities in Waters*
418 *of the U.S. for public safety and hazards. This is particularly critical in flood prone areas and for*
419 *disadvantaged communities in floodways that may need to have emergency relief quickly and*
420 *rapidly. (LGAC 2014 Report)*
421
422 ➧ *The LGAC recommends that EPA work to identify regional areas where jurisdictional*
423 *determinations could be problematic in terms of sea level rise and where groundwater and*
424 *surface flow intermix. For example, it is unclear how the state of Florida juxtaposed nearly at sea*
425 *level, will be categorized. In this specific region, conceivably all waters could potentially be*
426 *jurisdictional. The LGAC recommends that specific guidance be developed to address and classify*
427 *these areas with region-specific criteria used to assess this determination. (LGAC 2014 Report)*
428
429 ➧ *The LGAC recommends that EPA, working with the Corps of Engineers, develop a tool for use*
430 *by local governments which a permittee can use to assess their own jurisdictional status. For*
431 *example, this could involve a simple categorical, printable questionnaire in a decision tree*
432 *framework with questions aimed with an outcome of 'yes', 'no' or 'maybe-call your local Corps*
433 *representative'. The LGAC recommends this method be computerized and developed as a*
434 *smartphone application which yields a simple predictive outcome. (LGAC 2014 Report)*
435
436 ➧ *The LGAC recommends that EPA work directly with stormwater associations to provide*
437 *guidance to best address MS4s, stormwater controls, and their jurisdictional determinations.*
438 *(LGAC 2014 Report)*
439
440 ➧ *The LGAC recommends that EPA look to stormwater experts and the practical advice that*
441 *stormwater professionals can lend to the final rule the EPA is considering in Waters of the U.S.*
442 *(LGAC 2014 Report)*
443
444 ➧ *The LGAC recommends addressing how mining impoundments or borrow pits will be*
445 *addressed within jurisdiction of WOTUS. (LGAC 2014 Report)*
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- *The LGAC recommends that regional and local technical manuals as well as other communication tools (e.g. checklists, smartphone apps, etc.) that account for geographic differences in each EPA region be developed to assist with jurisdictional calls. (LGAC 2014 Report)*

- *The LGAC recommends that EPA provide planning maps at the state level which could be used as a planning tool to ascertain jurisdictional probability with high certainty. Such mapping would include the Hydrologic Unit Codes (HUC) for waterways. (It is presumed that all waterways with a designation of HUC-12 or less will be included in WOTUS.) (LGAC 2014 Report)*

IMPLEMENTATION

Background

The LGAC heard a strong concern regarding implementation, especially from local governments. Several local agencies reported uncertainty in interpretation as well as uncertainty in time and cost to conclude the permit process. The rule language must be consistently interpreted by all parties including the EPA, the US Army Corps of Engineers and local agencies. The rule should stipulate responsiveness of permitting agencies. Otherwise, the LGAC is concerned that a revised rule could further delay permits at the local level. (LGAC 2014 Report)

Recommendations:

- *The LGAC recommends that the rule stipulate time frames for permit review and jurisdictional determinations. Time frames such as 60 to 90 days to obtain a permit would be well-received at the local level. (LGAC 2014 Report)*

- *The LGAC recommends that EPA more clearly identify how Preliminary Jurisdictional Determinations would be processed to avoid unnecessary permit delays. (Goodman Letter)*

- *The LGAC recommends that EPA Administrator work with the Chief of the US Army Corps of Engineers to determine a process to reduce the issue of permitting delays of Section 404 permits. These delays are a significant and a costly issue for local governments. (LGAC 2014 Report)*

- *The LGAC recommends that state agency staff be utilized to make jurisdictional calls and work in cooperation with local districts with subject matter expertise such as county-based Conservation Districts or water management districts (e.g. Florida Water Management District). These local agencies can work together with the Corps to streamline permitting. (LGAC 2014 Report)*

- *The LGAC recommends that EPA regionalize wetlands delineation manuals to take into account regional and local variability of vegetation, hydromorphology and hydroperiods. (LGAC 2014 Report)*

- Recommendation: The LGAC recommends that State agencies be delegated the authority to make jurisdictional determinations. These determinations could be certified by the EPA and Corps District staff. Potentially, private sector firms and/or individuals could be certified to make these determinations. This could relieve overburdened federal agencies and accelerate the determination/permit process.

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- Recommendation: EPA and the Corps should encourage and provide incentives for States and Tribes to identify and protect significant state or unique waters such as sources for drinking water to protect.

- Recommendation: EPA and the Corps should provide mapping of jurisdictional waters (8-Digit HUC). It should also be accessible by zip code and available online.

- *The LGAC recommends that EPA work further with the Committee to develop a cohesive strategy to address local tools for stream and tributary protection so that it does not interfere with local governments protecting and maintaining water resources for its citizens and communities. For example, many local governments have zoning ordinances and coastal management plans that are protective of streams, riparian areas, and sensitive wetland areas. It is unclear how a revised rule in its current state will affect our ability at the local level to protect our significant ecological areas. (LGAC 2014 Report)*

- *The EPA should work with local communities to utilize the regulatory tools that the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) provide in order to protect source water, especially for low-income, minority, rural and tribal communities where this threat remains. (LGAC Drinking Water Report 2016)*

- *The LGAC strongly recommends that the EPA continue to explore how the SDWA and the CWA could be coordinated to better protect source water and our nation's water resources. In addition, the LGAC recommends that the EPA coordinate a Memorandum of Agreement with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) to explore ways to reduce agricultural runoff and improve soil health. (LGAC Drinking Water Report 2016)*

STATE ASSUMPTION OF SECTION 404

Background

Under current regulations, states and some tribes may seek delegation to implement CWA § 404 which governs dredge and fill activities in wetlands and other waters. This CWA assumption allows a state or tribe to regulate those waters and to take jurisdictional responsibility to condition, approve or deny dredge and fill permits in lieu of the federal Section 404 program administered by the Corps and EPA. The state or tribal program must be approved by the EPA and the Corps of Engineers. States and tribes play a significant role in implement CWA Section 404 Program through assumption and to fully integrated and comprehensive water program addressing the full range of state, tribal, and CWA requirements. Assumption allows for flexibility, less time constraints and the ability to integrate state and local water quality objectives.

The State of Michigan has received delegation authority and the LGAC was briefed on their program. Under the Michigan program, the permitting process is more streamlined and has incorporated other state statutory programs like CWA § 401 certifications, dam safety and other state regulatory programs.1 The average time of the permitting process is 21 days.

1 "Wetlands Protection." Michigan Department of Environmental Quality. www.mi.gov/wetlands.

Based on the Michigan example, the LGAC believes that states may more effectively administer the Section 404 program, especially in addressing regional issues. States can more effectively interact with local governments, businesses, agriculture and private landowners. (LGAC 2014 Report)

Recommendations:

- *The LGAC believes that State Assumed CWA and tribal-led programs may provide substantial cost-savings in time and money and should be investigated further. (LGAC 2014 Report)*

- *The LGAC recommends that guidance be developed to facilitate State Assumption of the Section 404 program.*

- *In order for state assumed programs to be successful, adequate resources must be made available and comparable water quality protections must be adopted by the state or tribal government. Despite these perceived barriers, the LGAC believes this is a highly worthwhile approach. Incentivizing the delegation program could achieve a strong return on investment.(LGAC 2014 Report)*

- *Local agencies may also be more receptive to the rule if there are state-run programs which are more responsive to local and regional issues. (LGAC 2014 Report)*

- *The LGAC strongly suggests federal incentives for States and Tribes to assume CWA Section 404 program. These federal incentives should also provide technical, financial and staffing resources to assume the CWA 404 program. (LGAC 2014 Report)*

ENFORCEMENT

Background

The LGAC believes that enforcement will be important in implementing the CWA programs to follow the proposed rule. It is not possible to ascertain the impacts of enforcement on local governments based on the proposed rule as written. The LGAC also believes that clarified definitions contained within a final rule will be critical to effective and equitable enforcement of the rule. (LGAC 2014 Report)

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Recommendations

- *The LGAC recommends that flexibility is included within the regulatory context so that conservation practices can be considered nationwide and be consistent, particularly on agricultural lands. (LGAC 2014 Report)*

- *The EPA should work collaboratively with state regulators to reduce punitive approaches and increase facilitative solutions. Generally, communities facing fines and citations are already struggling with compliance. Fines rarely increase water quality; fines only reduce the local resources available to achieve compliance. A collaborative approach can be most effective in reaching water quality goals.*

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(LGAC Drinking Water Report 2016)

- *The LGAC recommends that EPA work with state and local governments once the final rule is developed regarding enforcement options. (LGAC 2014 Report)*

LOCAL SOLUTIONS -INTEGRATED PLANNING

Background

The LGAC believes that the CWA has had tremendously positive impacts on the rivers and streams of the United States which in turn has led to economic prosperity and well-being for our nation's communities. Communities and local governments are spending millions of dollars to improve our waterways and drinking water supplies. Some states even have more protective water standards than those required by federal law. The LGAC noticed a general feeling of distrust that the 2015 rule generated. Further clarity on definitions, jurisdiction and exemptions should further aid Integrated Planning. However, it is uncertain how a final rule will factor in Integrated Planning efforts in general. Furthermore, there is a great deal of uncertainty how CWA 404 and the rule will impact local ordinances and how it can be integrated into state, tribal and local water quality plans. (LGAC 2014 Report)

Recommendations:

- *The LGAC recommends that EPA work with cities and communities on Integrated Water Quality Planning that will incorporate all of the Clean Water Act provisions into local plans. This planning process is already ongoing and the LGAC looks forward to these proactive approaches to address water quality concerns while providing green infrastructure and multi-use amenities to serve our public and create jobs. (LGAC 2014 Report)*

- *The LGAC recommends that EPA incentivize local, tribal and state agencies to engage in Integrated Water Quality Planning and develop polices, programs and projects that further the goals of the Clean Water Act. The rule should not in any way discourage local efforts to improve water quality through projects and programs. (LGAC 2014 Report)*

- **Question 7- What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?**

Background

The LGAC believes that clear communication and outreach needs to happen at every level of government once the final rule is developed. There are many misconceptions and uncertainties regarding EPA, the Army Corps of Engineers, and the rule's impact on CWA programs.

The LGAC, consistent with concerns heard throughout the outreach process, noted the mixed messages relating to the economic analysis.

The LGAC recommends that the EPA share the LGAC findings and recommendations with the state environmental commissioners, state agricultural directors, state water directors, and other state officials. (LGAC Water Report 2014)

Recommendations:

- *The LGAC recommends that a Fact Sheet (one-page) be developed laying out the clear messaging of the revised rule. It should also have graphics and a side by side comparison of what the rule currently is and what the revised rule proposes should be developed and included to enhance public understanding of the rule. (LGAC Water Report 2014).*

- *The LGAC believes it is important that EPA is aware of the potential for mixed messages in their communication with local agencies regarding the economic impact of the proposed rule. Based on the Workgroup's 2014 field meetings, local agencies were skeptical of EPA's strong statement that the proposed rule does not change the definition of the Waters of the U.S. Although this statement may be factually correct, what will likely occur in the field is that local agencies will experience a permitting environment in direct contrast to this statement, as jurisdictional assertion is expected to increase. It is important that the EPA and the US Army Corps of Engineers do not understate the impact the rule may have on local jurisdictions. And the economic analysis should include all Clean Water Act programs.(LGAC Water Report 2014)*

- *The LGAC recommends that the EPA continue to evolve and improve its communication with local governments, as well as EJ, agricultural and small communities with respect to the Waters of the United States.*

- *The LGAC recommends that EPA develop Fact Sheets to communicate the proposed changes in the WOTUS rule designed specifically for locally elected officials.*

- *The EPA should work with State Municipal Leagues and other intergovernmental information to distribute communication materials for local governments. (LGAC Drinking Water Report 2016)*

- *In its annual or biannual meetings with State Environmental Commissioners, State Public Health Directors and State Agricultural Directors, the EPA should convene a special session on Waters of the U.S. and ways to assist local governments, EJ communities and rural communities. (LGAC Drinking Water Report 2016)*

- **Question 8- The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small**

communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

8.a. **What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply?**

The LGAC recommends that EPA should consider the impacts of a revised rule on NPDES and Wastewater systems. (Goodman Letter).

The LGAC recommends that EPA consider a bright-line on 'other waters' to provide more clarity on what is jurisdictional under the CWA. For example, it would be well-advised that EPA determine with accuracy what areas are considered to be ecologically significant and to list these areas and provide examples. (LGAC 2014 Report)

8.b. **Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities?**

Background

The Small Community Advisory Subcommittee (SCAS) of the LGAC investigated in greater depth the agricultural related issues to the WOTUs rule. The SCAS had some observations from the testimony received. Also, several of the SCAS Members are also agricultural producers and work for the Conservation Districts. Due to lack of clear definitions and the Science Advisory Board's Report which contained even more uncertainty on connectivity and how that will be applied.

Agricultural issues remain an area where there is a great deal of uncertainty and confusion regarding WOTUS.. The SCAS believes that the agricultural community presents the greatest challenge but also offers the greatest receptivity to recognizing the importance of conservation and protection of our natural resources. Agriculture is a water-dependent business and cannot flourish without adequate supplies of clean and safe water.

Recommendations: *(LGAC 2014 Report)*

The LGAC recommends that EPA develop a "rural strategy" which would address the issue of Waters of the U.S. on agricultural lands and rural communities. This rural strategy could provide more comprehensive planning and resources to address the full range of water quality and community issues associated with rural America and disadvantaged small communities.

The LGAC recommends that there be consistency between Natural Resources Conservation Services (NRCS) and EPA on interpretation of normal farming practices and that a clear definition of normal farming practices be included. Furthermore, the LGAC recommends a manual of agricultural exemptions be developed and published.

- *The LGAC recommends that the jurisdiction of farm ponds, artificial lakes and ponds created by excavation and/or diking dry land for purposes of stock watering, irrigation, settling basins or rice production be excluded from WOTUS.*

- *The LGAC recommends that floodplains be established at a level of 50 year, 100 year and 500 years for agricultural purposes.*

- *The LGAC was made aware of the State of Tennessee's Water Quality program, and the LGAC recommends that the EPA investigate this approach in regard to jurisdictional waters on agricultural lands.*

- *The LGAC recommends that EPA facilitate better working relationships with the Corps, especially in regard to agricultural lands.*

- *The LGAC recommends that dams and drainages designed for fire prevention be exempt from WOTUS.*

- *The LGAC recommends that settling ponds and basins be determined on a regional case by case specific basis.*

- *The LGAC recommends increasing the boundaries of riparian areas in the Conservation Reserve program so that they enhance protection of waters.*

- *The LGAC recommends that EPA continue to work with NRCS to incentivize farming practices that improve water quality.*

Prior Converted Croplands (Discussed by Jeff Witte)

Background:

The Clean Water Rule excludes Prior Converted Croplands (PCC) from the definition of "waters of the United States." (existing since 1992). The Rule also provides that even if another federal agency has deemed land to be PCC, the final authority regarding CWA jurisdiction remains with the EPA. Other provisions such as Swampbuster also incorporates a PCC exception but are administered by the USDA under the Food Security Act of 1985. The Act regulates federal benefits for farmers and includes provisions designed to discourage farming on converted wetlands. Under the Act, farmers who have altered a wetland after November 28, 1990, to make crop production possible are generally prohibited from receiving USDA-FSA-administered commodity, disaster, and conservation program benefits. Likewise, farmers who plant crops on wetlands converted between December 23, 1985, and November 28, 1990, are ineligible for program payments. Generally, drainage systems and other conversions in place before December 23, 1985, may continue in their existing form. The 2014 Farm Bill also reinstated a requirement that farmers must comply with Swampbuster provisions to receive crop insurance premium assistance beginning in 2015. The NRCS is responsible for making wetland determinations for purposes of USDA farm program eligibility. Once a certified wetlands determination is made (and given to the farmer via form NRCS-CPA-026), it is binding on the property. All determinations made after July 3, 1996, are automatically deemed "certified." Determinations made prior to that date may be considered certified if they meet certain conditions. If a certified wetlands determination exists, the NRCS may not issue a new determination, absent a request by the landowner and (1) a determination that natural changes have occurred to the topography or (2) an acknowledgment by NRCS that an error exists in the current report. It is uncertain how changes in the WOTUS rule will change the dates for PCC or Swampbuster provisions.

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761 ♦Recommendation: A process for determining Prior Converted Croplands should be established with the new
762 changes to the WOTUS rule. For example, what date should the PCC be referred to.

763 ♦Recommendation: On agricultural lands, the Department of Agriculture be given authority to make jurisdictional
764 determinations. (LGAC 2014 Report)

765 ***Recommendations:***
766 ♦ *The LGAC recommends that normal agricultural practices be defined more effectively to*
767 *achieve the desired results and to be accepted by the agricultural community. Normal farming*
768 *practices are not limited to those listed and will change with advances in science and technology.*
769
770 ♦ *There needs to be consistency between NRCS, EPA and other agencies involved in these issues.*
771 *The SCAS believes that a glossary defining what agricultural exemptions are in a glossary will be*
772 *helpful. Specifically, the LGAC has heard a great deal of concern from Northern Minnesota where*
773 *there are non-tiled drainage ditches and also from agricultural communities in Georgia.*
774
775 ♦ *The LGAC recommends more effective outreach to agricultural communities and small rural*
776 *communities on this proposed rule.*
777

778 **8.c. Are there other considerations such as ditch maintenance, stormwater management or green**
779 **infrastructure?**

780 **Background**
781 Rule language should not have broad inclusions and cities are concerned that jurisdictional calls will be
782 dependent upon agency judgments and discretion for exclusions. The criteria need to be clear enough
783 that cities do not have to either guess at application of a rule or wait for the agency to interpret a rule
784 that creates uncertainty. It is unworkable for cities to rely on agency judgments and discretion for
785 exclusions. There is a concern about the magnitude of the requests the agencies will be forced to
786 address and the timeliness of the agencies response given any uncertainty of a new rule. Cities cannot
787 be faced with significant delays to address critical storm-water infrastructure while waiting for agency
788 action. Cities should be provided clarity by the agencies so that they can effectively plan and budget for
789 the operation and maintenance of the storm-water collection systems without the uncertainty of the
790 discretion of the agencies and when it will receive that agency judgment. In addition, without a specific
791 exemption for MS4 systems including drains, roads, pipes, curbs, gutters, ditches and other components
792 that channel runoff, as well as non-MS4 storm-water systems and features/components, EPA and Army
793 Corps open the door for litigation and citizen suits that could determine that they are considered a
794 "Waters of the U.S." and thereby subject to Section 404 permitting and state Water Quality Standards.
795 (Goodman Letter)
796

797 Recommendations
798 ♦The EPA should plainly state how this rulemaking will impact storm-water collection systems
799 and clearly exempt those parts of the systems that EPA does not wish to include. (Goodman
800 Letter)
801

- We request that the EPA specifically exclude green infrastructure and outline the Agency's understanding of what is included within green infrastructure similar to what was done for agricultural practices for 'normal farming practices'. (Goodman Letter)

Cost to Local Government

Background

The LGAC heard extensive concerns that the US Army Corps of Engineers simply does not have enough resources to effectuate an efficient permit process now or under a new rule without additional resources. An ineffective permit process consumes scarce local, state and federal personnel and financial resources without achieving a value-added return on investment. The revised rule and the permitting process and implementation must recognize the scarcity of these resources such that results are optimized for the level of investment. (LGAC 2014 Report) Delays *and additional permitting do not get calculated into a simplistic understanding of affordability of 2 percent of median household income (MHI), which the Agency utilizes to make determinations on significant cost impacts to local communities (Goodman letter).*

Recommendations:

- *The LGAC recommends that the EPA continue to coordinate with the US Army Corps of Engineers to ensure that the permit process is predictable and value-added. The proposed rule must be viewed in the context of how it will be implemented to validate that the resource protection outcome is balanced against the economic cost of the permitting process. Local, tribal and state agencies are at the front lines of achieving the goals of the Clean Water Act. Engaging local agencies as collaborative partners in the conversation with EPA and the US Army Corps of Engineers regarding implementation can only improve the process and the desired water resources protection results. (LGAC 2014 Report)*

- *The LGAC recommends that EPA better understand the cost and resource implications, especially to local, state and tribal agencies, before drafting the final rule. Local agencies are very concerned about cost, which is exacerbated by the uncertainty in the permitting process. (LGAC 2014 Report)*

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EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE (LGAC) DRAFT CHARGE ON 'WATERS OF THE U.S.' (WOTUS)

OVERVIEW

1. Background and Description

On February 28, 2017, the President signed the Executive Order on *Restoring the Rule of Law, Federalism, and Economic Growth* by Reviewing the "Waters of the United States" Rule (issued June 2015).[1] The Executive Order gives direction to the Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule (CWR) and "publish for notice and comment a proposed rule rescinding or revising the rule." The E.O. also directs that EPA and the Army "shall consider interpreting the term 'navigable waters' in a manner "consistent with Justice Scalia's opinion in *Rapanos* [2]which includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

As part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) will provide its recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

2. Project Scope

The agencies intend to follow an expeditious two-step process to provide certainty with the rule:

1) Establish the legal status quo by re-codifying the regulation that was in place prior to issuance of the CWR now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.

2) Propose a new definition of Waters of the U.S. that would replace the 2015 CWR that reflects the principles outlined by Justice Scalia (Rapanos plurality opinion).

The LGAC consists of 36 local, state and tribal government elected and appointed officials representing cities, parishes, counties, municipalities, and other local political jurisdictions. Local officials are knowledgeable and provide unique perspectives on issues relating to a revised rule. Further, the LGAC has potential to engage other knowledgeable local officials with unique valuable on-the-ground perspectives and knowledge. Through this collaborative process, the chartered LGAC will provide Administrator Pruitt with expeditious and meaningful advice relating to a revised "Waters of the U.S." rule. Overall, the goal would be to develop recommendations to the EPA for consideration on a revised rule. This advice and recommendations come from an 'on the ground' local government perspective which will assist the agency in providing the best means to communicate a revised rule with local officials.

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[1] *https://www.whitehouse.gov/the pres-office/2017/02/28/presidential-exeuctive-order-restoring-rule-law-federalism-and-economic*

[2] *Rapanos v. United States, 547 U.S. 715 (2006) 126 Supreme Court 2208; 165 L.Ed. 2d 159*

3. Charge Issues

LGAC Charge:

The LGAC will develop recommendations for the EPA to consider in developing approaches to a revised rule defining "waters of the U.S." that ensures that the nation's waters are kept free from pollution while at the same time promoting economic growth and minimizing regulatory uncertainty. The following are specific charge questions and issues for the LGAC to consider:

Charge Questions

1) How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2) What opportunities and challenges exist for your locality with relying on Justice Scalia's opinion?

3) Are there other approaches to defining "waters of the U.S." that you would like the agencies to consider to providing clarity and regulatory certainty?

4) The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be affected but would not be captured in such an economic analysis?

5) What additional information can you provide from a local government perspective that EPA should be aware of?

6) Are there other issues the agencies should consider which would help ease the regulatory burden for implementation of WOTUS for state, local and tribal government?

7) What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?

8) The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

4. Deliverables

The LGAC will provide a letter of recommendation to the Administrator to identify approaches to consider in a revised "Waters of the U.S." rule. The chartered LGAC will prioritize and summarize these issues in a report to the EPA that focuses on the charge issues. A final LGAC report will be conveyed to the EPA Administrator with a transmittal letter summarizing findings and recommendations. This Report will be published on the EPA's website for LGAC.

5. Preliminary Timeline/Schedule

April 26, 2017 – Executive Committee meets to discuss and approve the LGAC's Charge (Protecting America's Waters Workgroup) and develops a work plan with timeline.

May 3– LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

May 18- LGAC's Protecting America's Waters Workgroup meets with National Intergovernmental organizations to discuss charge (via teleconference).

June 7 – LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

June 29, 2017-The LGAC meets in a public meeting (via teleconference) to review recommendations on rescission of the 2015 CWR and revising the CWR. (Deliverable: Letter of Recommendation)

Wednesday, June 14, 2017
2:00 pm-3:00 pm (ET)
Call in number- 1-866-299-3188, Conference Code-202-564-3115#

LGAC Small Community Advisory Subcommittee (SCAS) Members:

Commissioner Robert Cope, Chair
Secretary Jeff Witte
Chairman Shawn Yanity
Councilor Andy Beerman
Mayor Johnny Dupree, Vice-Chair
Supervisor Ryan Sundberg
Mayor Bob Dixson
Mr. Rodney Bartlett

2:00pm-2:05pm — **Introduction/Welcome**
Commissioner Robert Cope, Chair
Mayor Johnny DuPree, Vice-chair

2:05pm-2:55pm — **LGAC WOTUS Charge**

-Definitions
Don Larson, *Former County Commissioner And SCAS/LGAC Member*

-Agricultural Issues
Jeff Witte, *Agricultural Secretary, New Mexico And LGAC/SCAS*

Workgroup Discusses Charge Issues

2:55pm-3:00pm — **Wrap Up and Next Steps**
Commissioner Robert Cope, Chair

3:00 pm — **Adjournment**
Commissioner Robert Cope, Chairman

DRAFT

- **Water: Our Nation's Health and Wealth**

Water resources are the lifeblood for our nation's cities, towns and small rural communities. It is essential for the health, prosperity and security for our citizens and is among the top priorities for us in local governments. As State, local and tribal government partners we desire to manage our water resources so that we have reliable and safe water supplies to create jobs, attract industry and investment, and provide for the health and welfare of citizens. A common understanding of the value of water and how it impacts the health and prosperity of us at the local level is important for governmental decision-making. For example, water infrastructure costs are estimated to be $100 per household per year, for smaller communities, these same costs are $400 to $800 more per year.[1] Estimates range for every $1 million investment in water infrastructure it supports between 15 and 18 jobs throughout the economy. Disruption in our nation's water supply, would greatly impact our economy on a large scale.[2] For example, one day's disruption for the service industry would result in a 70% reduction in sales. For the petroleum industry (highest), the loss would be $5,800 per employee (7 days the equivalent of 1% of annual income). Therefore, protections under the Clean Water Act for the 117 million people (one third of Americans) that rely on these waters as part of our public drinking water assets are decisions of public trust and stewardship. Balancing the CWA authorities to protect rivers, lakes, streams and wetlands and to keep them healthy and safe is the responsibility of all levels of government. At the same time costs of treatment should not be transferred directly to the rate payer - *at the tap*.

- **Local Governments and Cooperative Federalism**

The Clean Water Act (CWA) as amended in 1972, established the basic structure for protecting our nation's water resources by regulating pollutant discharges into the waters of the United States. Clean Water Act programs are largely federal, state and tribal programs. The CWA Section 404 is an EPA and Corps of Engineer (joint program) which regulates discharges of dredged or fill materials into Waters of the United States, including wetlands. On February 28, 2017, the President of the United States issued an Executive Order directing EPA and Department of the Army to review and rescind or revise the 2015 Rule. The EPA and the Army Corps of Engineers are in the process of considering a revised definition of "Waters of the United States" consistent with the Executive Order. Local governments support a straight-forward rulemaking process, inclusive of the tenants of cooperative federalism. This approach acknowledges the shared responsibility of state and local governments in the governance and cooperation to work out details of responsibility. CWA Section 404 is largely federal with the exception of a small number of State Assumed 404 Programs (Michigan and New Jersey). If empowered, states and tribes could play an increased and more efficient role in managing the

[1] http://www.nerwa.org/gwnews/db212.pdf, The Value of Water and the Water Operator, by Doug Buresh, Circuit Rider #3

[2] http://thevalueofwater.org/sites/default/files/Economic%20Impact%20of%20Investing%20in%20Water%20Infrastructure_VOW_FINAL_pages.pdf-The Value of Water

program. Local governments too, have a strong role to play and can be key strategic partners in protecting our nation's water resources. Local governments manage broader water quality protection efforts such as managing stormwater, flood protection and enhanced watershed protection along with protecting the sources of drinking water. Local governments have the tools to strengthen wetland and stream protection efforts that better support community goals with greater protection for the resource. Integrated Planning (IP) offers municipalities the opportunity to meet multiple Clean Water Act requirements by sequencing separate wastewater and stormwater programs while maximizing investments so that the highest priority projects come first. EPA, states, and municipalities have achieved progress in implementing IP approaches while addressing the most serious water quality issues in order of priority to protect public health and the environment.

- **Clarity and Predictability**

A central theme heard by the LGAC in public meetings of state, local and tribal government officials on the 2015 'Waters of the U.S.' rule is that definitions were too broad or confusing and were subject to interpretation through litigation. Key terms used in the WOTUS rule are vague such as "uplands," "tributary," "floodplain," "significant nexus," "adjacent," and "neighboring" but are also important in defining what waters are jurisdictional. These terms are either broadly defined, or not defined at all which has led to further confusion, not less, over what waters fall within federal jurisdiction. Local governments need a rule that that puts forward clear definitions and provides examples and graphics for further clarity. Without this clarity, it could lead to further unpredictability and result in unnecessary project delays, subjective judgements and inconsistency across the country.

- **Flexibility and Regionalization**

In formulating a revised 'Waters of the U.S.' rule it should have flexibility and reflect natural and regional variability of our nation's waters. As a basic approach, criteria could be established that recognizes natural ecoregions (delineated on the basis of natural and anthropogenic factors) to recognize geographic variability among regions. States and tribes should have further input in this process to modify or improve on this basic approach. Workgroups made up of federal, state and local officials could help establish local delineation factors characteristic of these regional waterbodies such as western ephemeral streams, and other unique wetlands such as pocosins, Carolina bays etc. should be factored. Western arid streams may need further regional determinations as whether these areas are washes and otherwise dry channels characterized by irregular (not seasonal) ephemeral flows or may actually qualify as waters of the United States. These jurisdictional calls of WOTUS should be the exception rather than the rule. Also, wetlands and streams in the State of Florida also should be considered in separate regional guidance since most of the State could be classified as a Waters of the U.S. due to high groundwater tables and surface connections with waters of the U.S.

- **Enhanced State and Local Government Role**

States play a vital role in the protection of wetlands by addressing waters and activities that *are not* regulated under the Section 404 program, or by imposing additional limits on

activities that *are* regulated under that program. Pursuant to Section 404(g) of the Clean Water Act, a state can *assume* the authority to issue permits for the discharge of dredged or fill material into waters regulated under the Clean Water Act other than traditional navigable waters or waters seaward of the high water mark (33 U.S.C. § 1344(g)). EPA's regulations also authorize tribes to assume Section 404 permitting authority within their jurisdiction (40 C.F.R. § 233.2). In order to assume Section 404 permitting program, a state must enact laws and regulations to create a program that meets requirements designed to ensure that the state can administer the Section 404 permitting program as the Corps. This process could be streamlined and could be incentivized for state assumption. States can play a greater role in the administration of the federal program and streamline permitting for developers in the state through a State Programmatic General Permit. CWA Section 404(e) authorizes the Corps of Engineers to issue general permits "on a state, regional or nationwide basis for any category of activities involving discharges of dredged or fill material" if there are only minimal adverse environmental effects. Local regulation of wetlands in addition to the state and federal programs have many benefits as well. Local decision makers have numerous land use tools available that can be more effective, and with less cost, protect sensitive landscapes valuable to their community such as with building permits, zoning authority, sanitary and health codes, and soil erosion control.

- **Modified Scalia Approach**

The Scalia opinion applies a narrow interpretation to CWA jurisdiction, extending the agencies' regulatory authority only to "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters. Local governments in general support a narrow interpretation and put forward that the criteria in the 2008[3] guidance has clear criteria for categorical jurisdiction of *'yes', 'no' or 'maybe'* which might be considered as a modified Scalia approach. Local governments are also concerned about the assurances that water resources which provide (or potentially provide) our communities' drinking water and source water are regulated and protected. These significant waterbodies form the assets of our water infrastructure and these areas may or may not fall within the Scalia interpretation as "connected to a federal navigable waterway." Local governments would potentially support States and Tribes assisting to identify these significant waterbodies by delineating and mapping these significant 'Waters of the State'. These areas once identified should have primacy in decision-making.

- **Exemptions**

Exemptions for stormwater and green infrastructure are important for local government. Local governments would be supportive of a revised rule that would retain codification of the waste

[3] https://www.epa.gov/cwa-404/2008-rapanos-guidance-and-related-documents

118 treatment exemption. It should also extend to MS4s, stormwater ponds, settling basins recycled
119 water facilities which depend upon artificially created wetlands and storage ponds to treat
120 millions of gallons of water a day. There has also been a major concern of county governments
121 that roadside ditches are exempt. The revised rule should affirm also that reservoirs along with
122 influent and treated effluent storage ponds are within the scope of the waste treatment
123 exemption, consistent with the regulatory definition of "complete waste treatment system"
124 found in existing federal regulations including features such as storage ponds, basins, artificially
125 created wetlands, recycled water reservoirs and other features associated with water recycling.[4]
126

127 ➢ **Permitting Reform**
128 The permitting system is complex and outdated. Agencies' budgets and staffing are
129 overwhelmed and lack resources to respond to individual permits. At the same time, the private
130 sector confronts time-consuming requirements that pose significant delays and economic
131 burdens. Permitting can be made more efficient and more effective. For example, permitting
132 length of time can be done more efficiently (less than 60 days) and it can also be more flexible,
133 decentralized and integrated with community goals. Local governments would be generally in
134 favor of State Assumption of the 404 program and other innovations to streamline the
135 permitting process. Also, further consideration of General Permits and mapping would aid in
136 permitting reform.
137

138 ➢ **Agriculture, Rural Communities and Waters of the U.S.**
139 Agriculture and rural communities have expressed concerns about the Waters of the U.S. Most
140 of the concern of the rule has been whether it would modify existing statutory provisions that
141 exempt "normal farming and ranching" practices from dredge and fill permitting or others that
142 exclude certain agricultural discharges, such as irrigation return flow and stormwater runoff,
143 from all CWA permitting. The other key area of concern was the confusion whether or not
144 ditches were exempt. Normal agricultural and silvicultural practices are exempt but the
145 interpretive rule issued (but then withdrawn) to clarify the 56 practices that are exempt from
146 CWA Section 404 permitting was very confusing to farmers. Other issues for rural communities
147 is the NPDES permits for application of pesticides and herbicides in WOTUS. Also, there is a
148 concern that 'prior converted croplands' which are exempt if they are certified by NRCS are also
149 exempt from wetland regulations administered by the Army Corps of Engineers and EPA
150 (Section 404 of the Clean Water Act). However, if the land changes to a non-agricultural use, or
151 is abandoned, according to the criteria established by the Corps and EPA, it may be regulated
152 under the CWA. These issues combined with the complexity of the WOTUS and the role of the
153 NRCS poses significant issues for the agricultural sector and rural communities.
154

[4] 1 See 40 C.F.R. §35.2005(b)(12), defining "complete waste treatment system" as "all the treatment works necessary to meet the requirements of title III of the [CWA], involving . . . the ultimate disposal, including recycling or reuse, of the treated wastewater and residues which result from the treatment process."

- **Outreach to Local Governments**

There is a need for enhanced outreach to local governments. Its significance in WOTUS decision-making is all the more critical. A comprehensive communication strategy is needed for local governments that improves the channels of information distribution, and explicit communication at all levels of government. Getting information into the hands of local governments where it will have the most impact must be a priority. This is particularly relevant in small, disadvantaged and ethnically diverse communities. Local governments need to act effectively so that information will reach all relevant parties so it can also be readily communicated effectively to citizens. Therefore, there will be a pressing need to improve governmental communication and transfer of information among the EPA, state, tribal and local governments, and getting that information out to the public. Specific tailored information for local elected officials is also needed to convey the effective changes of the WOTUS rule.

Affordability

One of the common themes heard from local governments revolves around affordability. This issue has several components including the ability of ratepayers to pay the cost of regulatory compliance, pollution and clean-up costs, punitive costs that only serve to reduce local government resources and the disproportionate costs for small and economically disadvantaged communities. If the goal is safe, clean water throughout the country, innovation in approach and cost allocation must be considered at the federal, state, tribal and local levels.

DRAFT

United States Environmental Protection Agency

The Definition of “Waters of the U.S.”

E.O. 13132 Federalism Consultation Meeting

April 19, 2017

Purpose & Agenda

Purpose:

- Initiate Federalism consultation to obtain state and local government officials' perspectives
- Provide an overview of potential changes under consideration for the definition of "Waters of the U.S."

Agenda:

- Federalism overview
- "Waters of the U.S." over time
- The Executive Order
- Proposed two-step process
  - Step 1
  - Step 2
- Discussion of Potential Approaches
- Next steps

E.O. 13132, Federalism

The Order requires that Federal agencies consult with elected state and local government officials, or their representative national organizations, when developing regulations that have federalism implications.

The agencies are consulting due to strong interest on the part of state and local governments on this issue over the years and potential effects associated with a change in the definition of "waters of the U.S."

"Waters of the U.S." Over Time

From the 1970s through the 1990s, the majority offederal courts, as well as the agencies, consistently interpreted a broad scope of Clean Water Act jurisdiction.

Supreme Court decisions in 2001 and 2006 held that the scope of navigable waters must be linked more directly to protecting the integrity of waters used in navigation. The justices in the 2006 *Rapanos* decision were split on how this was to be accomplished.

The agencies have been working since these Supreme Court decisions to provide clarification and predictability in the procedures used to identify waters that are – and are not – covered by the Clean Water Act.

The 2015 Clean Water Rule was an effort to provide that needed clarification and predictability. Many stakeholders, including many states, expressed concerns with the 2015 Rule.

The agencies are now embarking on another effort to provide clarity and predictability to members of the public.

The Executive Order

On February 28, 2017, the President signed the "Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

The E.O. calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and "publish for notice and comment a proposed rule rescinding or revising the rule…."

The E.O. directs that EPA and theArmy "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic

Two-Step Process

The agencies are implementing the Executive Order in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule.

1. The agencies are taking action to establish the legal status quo in the Code of Federal Regulations, by recodifying the regulation that was in place prior to issuance of the Clean Water Rule and that is being implemented now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.
2. The agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule with one that reflects the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

The agencies are aware that the scope of CWA jurisdiction is of intense interest to many stakeholders and therefore want to provide time for appropriate consultation and deliberations on the ultimate regulation.

In the meantime, the agencies will continue to implement regulatory definition in place prior to the 2015 rule, consistent with the 2003 and 2008 guidances, in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit stay of the Clean Water Rule.

Step 1: Withdraw 2015 Clean Water Rule

While the Sixth Circuit stay may remain in effect for some time, its duration is uncertain.

To provide greater certainty, the agencies will move to reinstate the preexisting regulations and guidance and to withdraw the 2015 Rule.

In the Step 1 proposed rule, the agencies will define “waters of the United States” using the regulatory definition in place before the Clean Water Rule, which the agencies will continue to implement according to longstanding practice, just as they are today.

The Step 1 proposed rule would maintain the approach in place for decadesuntil a revised rule with a new definition can be promulgated.

Step 2: Develop New Rule Consistent with the Executive Order

The E.O. directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

Justice Scalia's opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

The agencies are consulting with state and local government officials as we begin to develop the new definition.

Potential Approaches to "Relatively Permanent" Waters

Perennial plus streams with "seasonal" flow

Current practice: seasonal flow = about 3 months (varies regionally)

Perennial plus streams with another measure of flow

Use appropriate, implementable metrics, e.g., frequency of flow, intersecting water table

Perennial streams only

Streams that carry flow throughout the year except in extreme drought

Other

Thoughts?

Potential Approaches to Wetlands with a "Continuous Surface Connection"

Surface connection even through non-jurisdictional feature

Current practice considers directly abutting wetlands and those with a continuous surface connection, regardless of distance, to be jurisdictional

Some degree of connectivity

Use appropriate, implementable metrics, e.g., distance

Wetland must directly touch jurisdictional waters

Only wetlands that directly touch a jurisdictional water

Other

Thoughts?

Discussion:

The change in jurisdictional waters will vary across states and localities and with the options suggested above. Given that:

1. How would you like to see the concepts of "relatively permanent" and "continuous surface connection" defined and implemented? How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2. What opportunities and challenges exist for your state or locality with taking a Scalia approach?

3. Do you anticipate any changes to the scope of your state or local programs (e.g., regulations, statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402 and 404)? If so, what types of actions do you anticipate would be needed?

4. The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?

Next Steps

Do you have any additional information that the EPA should be aware of?

- If so, please provide.

Do you have any other approaches that you would like the agencies to consider?

Comments will be due to the EPA in approximately 8 weeks, June 19, 2017.

Please send written comments to: CWAwotus@epa.gov and copy Hanson.Andrew@epa.gov

Contacts

Project Lead:

Donna Downing

- (202) 566–2428
- CWAwotus@epa.gov

Federalism Contact:

Andrew Hanson

- (202) 564-3664
- Hanson.Andrew@epa.gov

Message

From: Zipperer, Rich - GOV [Rich.Zipperer@wisconsin.gov]
Sent: 5/12/2017 1:28:59 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

I am out of the office May 9, 10, 11, and 12. During this period, if you need assistance, please contact Dorothy Moore at Ex. 6

Thanks,
Rich Zipperer

Message

From: Cody Stewart [codystewart@utah.gov]
Sent: 5/17/2017 2:09:14 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Hey, Tate. Nice to meet you and thanks for the outreach.

I was wondering if I might be able to request a meeting for Governor Herbert and your boss when the Governor is in DC on July 17 or the 18th. Any chance we can get that on your agenda?

Thanks! Look forward to working with you.

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

On Fri, May 12, 2017 at 10:31 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Happy Friday!
>
> I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 is my direct.
>
> I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.
>
> Let me know if I can ever be helpful.
>
> Tate
>
> Elizabeth Tate Bennett
>
> Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Matthews, Demond [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DAF7E6EEC58841DF8B3236D8CCC400D6-MATTHEWS, D]
Sent: 6/14/2017 5:29:56 PM
To: Aromero@nmda.nmsu.edu; jordan@burlingtonvt.gov; rbartlett@peterboroughnh.gov; andy@parkcity.org; Eargle, Frances [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a63fca70ff3944cebf60b10b80a2acb6-FEargle]; Don Larson [larsons@itctel.com]; Mayor@greensburgks.org; shawkins@forestheightsmd.gov; gbgdixsons@yahoo.com; mayor@burlingtonvt.gov; mayor@hattiesburgms.com; cowdoc75@hotmail.com; Ragnew@nmda.nmsu.edu; syanity@stillaguamish.com; rsundberg@co.humboldt.ca.us; jwitte@nmda.nmsu.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=542ee3fee247433d9a6d043d7df73ada-jwitte@nmda]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Jeffrey Tiberi [tiberi52@gmail.com]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; eileen.beard@tn.gov; tom.womack@tn.gov; Jai Templeton [Jai.Templeton@tn.gov]; Joyce Jackson [Joyce.Jackson@tn.gov]; clint.mcaffee@parkcity.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=edfbc30d76d141b2a212baef0a37867e-clint.mcaffee@parkcity.org]
Subject: REMINDER: Small Communities Advisory Subcommittee (SCAS) Teleconference, Wednesday, June 14, 2:00-3:00pm EDT : Call in- Ex. 6
Attachments: SCAS-Agenda-June 14-2017.docx; WOTUSFedSlides4.19.17.pdf; LGAC-WOTUS-Charge-05-17-17-.pdf

Good Afternoon SCAS Members,

The following is a reminder for all who can attend that the Small Communities Advisory Subcommittee will having its final working session **Wednesday, June 14, 2:00-3:00pm EDT** to discuss agricultural and rural issues related to the LGAC Waters of the U.S. (WOTUS) Charge. We would like to give all members this final opportunity to look at the WOTUS materials. The call in number is Ex. 6 Agenda added.

The following attachments concerns the LGAC WOTUS Charge, and the link below is to the **LGAC 2014 Report on Waters of the U.S**. (*Pages 13-23 addresses agriculture, definitions, Interpretative rule and implementation*).
Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._report.pdf
Transmittal Letter of the Report:
https://www.epa.gov/sites/production/files/2015-10/documents/11.5.14_w.o.t.u.s._letter_to_adm_gmccarthy.pdf

The Water Workgroup has a short turnaround.

Look forward to hearing everyone on the call.

V/r,

DEMOND L. MATTHEWS
Presidential Management Fellow
Small Communities Intergovernmental Liaison
EPA Office of Congressional & Intergovernmental Relations
1200 Pennsylvania Ave NW
Mail Code 1301-A
Washington, DC 20004
Phone: 202-564-3781 Cell: Ex. 6

EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE (LGAC) DRAFT CHARGE ON 'WATERS OF THE U.S.' (WOTUS)

OVERVIEW

1. Background and Description

On February 28, 2017, the President signed the Executive Order on *Restoring the Rule of Law, Federalism, and Economic Growth* by Reviewing the "Waters of the United States" Rule (issued June 2015).[1] The Executive Order gives direction to the Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule (CWR) and "publish for notice and comment a proposed rule rescinding or revising the rule." The E.O. also directs that EPA and the Army "shall consider interpreting the term 'navigable waters' in a manner "consistent with Justice Scalia's opinion in *Rapanos* [2]which includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

As part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) will provide its recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

2. Project Scope

The agencies intend to follow an expeditious two-step process to provide certainty with the rule:

1) Establish the legal status quo by re-codifying the regulation that was in place prior to issuance of the CWR now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.

2) Propose a new definition of Waters of the U.S. that would replace the 2015 CWR that reflects the principles outlined by Justice Scalia (Rapanos plurality opinion).

The LGAC consists of 36 local, state and tribal government elected and appointed officials representing cities, parishes, counties, municipalities, and other local political jurisdictions. Local officials are knowledgeable and provide unique perspectives on issues relating to a revised rule. Further, the LGAC has potential to engage other knowledgeable local officials with unique valuable on-the-ground perspectives and knowledge. Through this collaborative process, the chartered LGAC will provide Administrator Pruitt with expeditious and meaningful advice relating to a revised "Waters of the U.S." rule. Overall, the goal would be to develop recommendations to the EPA for consideration on a revised rule. This advice and recommendations come from an 'on the ground' local government perspective which will assist the agency in providing the best means to communicate a revised rule with local officials.

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[1] *https://www.whitehouse.gov/the pres-office/2017/02/28/presidential-exeuctive-order-restoring-rule-law-federalism-and-economic*

[2] *Rapanos v. United States, 547 U.S. 715 (2006) 126 Supreme Court 2208; 165 L.Ed. 2d 159*

3. Charge Issues

LGAC Charge:

The LGAC will develop recommendations for the EPA to consider in developing approaches to a revised rule defining "waters of the U.S." that ensures that the nation's waters are kept free from pollution while at the same time promoting economic growth and minimizing regulatory uncertainty. The following are specific charge questions and issues for the LGAC to consider:

Charge Questions

1) How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2) What opportunities and challenges exist for your locality with relying on Justice Scalia's opinion?

3) Are there other approaches to defining "waters of the U.S." that you would like the agencies to consider to providing clarity and regulatory certainty?

4) The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be affected but would not be captured in such an economic analysis?

5) What additional information can you provide from a local government perspective that EPA should be aware of?

6) Are there other issues the agencies should consider which would help ease the regulatory burden for implementation of WOTUS for state, local and tribal government?

7) What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?

8) The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

4. Deliverables

The LGAC will provide a letter of recommendation to the Administrator to identify approaches to consider in a revised "Waters of the U.S." rule. The chartered LGAC will prioritize and summarize these issues in a report to the EPA that focuses on the charge issues. A final LGAC report will be conveyed to the EPA Administrator with a transmittal letter summarizing findings and recommendations. This Report will be published on the EPA's website for LGAC.

5. Preliminary Timeline/Schedule

April 26, 2017 – Executive Committee meets to discuss and approve the LGAC's Charge (Protecting America's Waters Workgroup) and develops a work plan with timeline.

May 3– LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

May 18- LGAC's Protecting America's Waters Workgroup meets with National Intergovernmental organizations to discuss charge (via teleconference).

June 7 – LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

June 29, 2017-The LGAC meets in a public meeting (via teleconference) to review recommendations on rescission of the 2015 CWR and revising the CWR. (Deliverable: Letter of Recommendation)

LGAC Small Community Advisory Subcommittee (SCAS)

Wednesday, June 14, 2017
2:00 pm-3:00 pm (ET)
Call in number- Ex. 6 **Conference Code-** Ex. 6

LGAC Small Community Advisory Subcommittee (SCAS) Members:

Commissioner Robert Cope, Chair
Secretary Jeff Witte
Chairman Shawn Yanity
Councilor Andy Beerman
Mayor Johnny Dupree, Vice-Chair
Supervisor Ryan Sundberg
Mayor Bob Dixson
Mr. Rodney Bartlett

2:00pm-2:05pm **Introduction/Welcome**
Commissioner Robert Cope, Chair
Mayor Johnny DuPree, Vice-chair

2:05pm-2:55pm **LGAC WOTUS Charge**

-Definitions
Don Larson, *Former County Commissioner And SCAS/LGAC Member*

-Agricultural Issues
Jeff Witte, *Agricultural Secretary, New Mexico And LGAC/SCAS*

Workgroup Discusses Charge Issues

2:55pm-3:00pm **Wrap Up and Next Steps**
Commissioner Robert Cope, Chair

3:00 pm **Adjournment**
Commissioner Robert Cope, Chairman

DRAFT

United States Environmental Protection Agency

The Definition of “Waters of the U.S.”

E.O. 13132 Federalism Consultation Meeting

April 19, 2017

Purpose & Agenda

Purpose:

- Initiate Federalism consultation to obtain state and local government officials' perspectives
- Provide an overview of potential changes under consideration for the definition of "Waters of the U.S."

Agenda:

- Federalism overview
- "Waters of the U.S." over time
- The Executive Order
- Proposed two-step process
  - Step 1
  - Step 2
- Discussion of Potential Approaches
- Next steps

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00069264-00002

E.O. 13132, Federalism

The Order requires that Federal agencies consult with elected state and local government officials, or their representative national organizations, when developing regulations that have federalism implications.

The agencies are consulting due to strong interest on the part of state and local governments on this issue over the years and potential effects associated with a change in the definition of "waters of the U.S."

"Waters of the U.S." Over Time

From the 1970s through the 1990s, the majority offederal courts, as well as the agencies, consistently interpreted a broad scope of Clean Water Act jurisdiction.

Supreme Court decisions in 2001 and 2006 held that the scope of navigable waters must be linked more directly to protecting the integrity of waters used in navigation. The justices in the 2006 *Rapanos* decision were split on how this was to be accomplished.

The agencies have been working since these Supreme Court decisions to provide clarification and predictability in the procedures used to identify waters that are – and are not – covered by the Clean Water Act.

The 2015 Clean Water Rule was an effort to provide that needed clarification and predictability. Many stakeholders, including many states, expressed concerns with the 2015 Rule.

The agencies are now embarking on another effort to provide clarity and predictability to members of the public.

The Executive Order

On February 28, 2017, the President signed the "Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

The E.O. calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and "publish for notice and comment a proposed rule rescinding or revising the rule…."

The E.O. directs that EPA and theArmy "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00069264-00005

Two-Step Process

The agencies are implementing the Executive Order in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule.

1. The agencies are taking action to establish the legal status quo in the Code of Federal Regulations, by recodifying the regulation that was in place prior to issuance of the Clean Water Rule and that is being implemented now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.
2. The agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule with one that reflects the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

The agencies are aware that the scope of CWA jurisdiction is of intense interest to many stakeholders and therefore want to provide time for appropriate consultation and deliberations on the ultimate regulation.

In the meantime, the agencies will continue to implement regulatory definition in place prior to the 2015 rule, consistent with the 2003 and 2008 guidances, in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit stay of the Clean Water Rule.

Step 1: Withdraw 2015 Clean Water Rule

While the Sixth Circuit stay may remain in effect for some time, its duration is uncertain.

To provide greater certainty, the agencies will move to reinstate the preexisting regulations and guidance and to withdraw the 2015 Rule.

In the Step 1 proposed rule, the agencies will define “waters of the United States” using the regulatory definition in place before the Clean Water Rule, which the agencies will continue to implement according to longstanding practice, just as they are today.

The Step 1 proposed rule would maintain the approach in place for decadesuntil a revised rule with a new definition can be promulgated.

Step 2: Develop New Rule Consistent with the Executive Order

The E.O. directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

Justice Scalia's opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

The agencies are consulting with state and local government officials as we begin to develop the new definition.

Potential Approaches to "Relatively Permanent" Waters

Perennial plus streams with "seasonal" flow

Current practice: seasonal flow = about 3 months (varies regionally)

Perennial plus streams with another measure of flow

Use appropriate, implementable metrics, e.g., frequency of flow, intersecting water table

Perennial streams only

Streams that carry flow throughout the year except in extreme drought

Other

Thoughts?

Potential Approaches to Wetlands with a "Continuous Surface Connection"

Surface connection even through non-jurisdictional feature

Current practice considers directly abutting wetlands and those with a continuous surface connection, regardless of distance, to be jurisdictional

Some degree of connectivity

Use appropriate, implementable metrics, e.g., distance

Wetland must directly touch jurisdictional waters

Only wetlands that directly touch a jurisdictional water

Other

Thoughts?

Discussion:

The change in jurisdictional waters will vary across states and localities and with the options suggested above. Given that:

1. How would you like to see the concepts of "relatively permanent" and "continuous surface connection" defined and implemented? How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2. What opportunities and challenges exist for your state or locality with taking a Scalia approach?

3. Do you anticipate any changes to the scope of your state or local programs (e.g., regulations, statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402 and 404)? If so, what types of actions do you anticipate would be needed?

4. The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00069264-00011

Next Steps

Do you have any additional information that the EPA should be aware of?

- If so, please provide.

Do you have any other approaches that you would like the agencies to consider?

Comments will be due to the EPA in approximately 8 weeks, June 19, 2017.

Please send written comments to: CWAwotus@epa.gov and copy Hanson.Andrew@epa.gov

Contacts

Project Lead:

Donna Downing

- (202) 566–2428
- CWAwotus@epa.gov

Federalism Contact:

Andrew Hanson

- (202) 564-3664
- Hanson.Andrew@epa.gov

Delivery Report

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Subject: Undeliverable: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Attachments: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Your message
To: Bennett, Tate
CC: Bowles, Jack; Cook-Shyovitz, Becky
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Sent: 5/12/2017 1:28:54 PM

Your message to criley@georgia.gov couldn't be delivered.

criley wasn't found at georgia.gov.

Bennett.Tate	**Office 365**	**criley**
Action Required		Recipient
Unknown To address		

How to Fix It

The address might be misspelled or might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message -** If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message -** If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of this article. Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.
- **Contact the recipient by some other means,** (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, ask the recipient to tell their email admin about the problem, and give them the error (and the name of the server that reported it) shown below. It's likely that only the recipient's email admin can fix this problem.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.4.1

This error occurred because a message was sent to an email address hosted by Office 365, but the address doesn't exist in the receiving organization's Office 365 directory. Directory Based Edge Blocking (DBEB) is enabled for georgia.gov, and DBEB rejects messages addressed to recipients who don't exist in the receiving organization's Office 365 directory. This error is reported by the recipient domain's email server, but most often it can be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

Check that the email address exists and is correct - Confirm that the recipient address exists in your Office 365 directory, is correct, and is accepting messages.

Synchronize your directories - Make sure directory synchronization is working correctly, and that the recipient's email address exists in both Office 365 and in your on-premises directory.

Check for errant forwarding rules - Check for forwarding rules for the original recipient that might be trying to forward the message to an invalid address. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Forwarding or Inbox Rules features.

Make sure the recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license to them (Users > Active Users > Select the recipient > Assigned License > Edit).

Make sure that mail flow settings and MX records are correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are set up correctly.

For more information and additional tips to fix this issue, see this article.

Original Message Details

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 (UTC)

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X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1126

Message

From: Skenandore, Rachel - GOV [Rachel.Skenandore@wisconsin.gov]
Sent: 4/18/2017 9:39:01 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
Subject: RE: Wisconsin Governor's contact

Hi Tate,

Great to connect with you as well. We look forward to working with you, glad to have your contact info!

Ken, it was a pleasure meeting you today—thanks for making the connection and safe travels.

Sincerely,

Rachel Skenandore
Senior Policy Advisor
Office of Governor Scott Walker

Ex. 6

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, April 18, 2017 1:24 PM
To: Wagner, Kenneth; Skenandore, Rachel - GOV
Subject: RE: Wisconsin Governor's contact

Hey Rachel!

So great to connect with you. I bet we might have a handful of mutual connections that are Walker alum. Let me know if we can ever be helpful to you or your boss!

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Wagner, Kenneth
Sent: Tuesday, April 18, 2017 2:19 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; rachel.skenandore@wisconsin.gov
Subject: Re: Wisconsin Governor's contact

Wrong email address..

On Apr 18, 2017, at 1:16 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

Tate:

I have been meeting with the Senior Management of the Wisconsin DNR and Rachel from Governor Walker's office joined for the whole day. She is a Senior Policy Advisor and I felt like you both would be great mutual contacts between the Governor and the Administrator

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6
wagner.kenneth@epa.gov

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 5/12/2017 1:28:57 PM
To: justinharding@utah.gov
Subject: Undeliverable: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Attachments: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Your message
To: Bennett, Tate
CC: Bowles, Jack; Cook-Shyovitz, Becky
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Sent: 5/12/2017 1:28:54 PM

Your message to justinharding@utah.gov couldn't be delivered.

justinharding wasn't found at utah.gov.

Bennett.Tate	**Office 365**	**justinharding**
Action Required		Recipient
Unknown To address		

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: Fix email delivery issues for error code 5.1.1 in Office 365, and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see Fix email delivery issues for error code 550 5.1.1 in Office 365.

Original Message Details

Created Date:	5/12/2017 1:28:54 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	justinharding@utah.gov
Subject:	Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Error Details

Reported error:	*550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 https://support.google.com/mail/?p=NoSuchUser y30si3436880pge.86 - gsmtp*
DSN generated by:	BY2PR09MB1126.namprd09.prod.outlook.com
Remote server:	mx.google.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	5/12/2017 1:28:54 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1125.namprd09.prod.outlook.com	mapi

2	5/12/2017 1:28:54 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1126.namprd09.prod.outlook.com	Microsoft SMTP Server cipher=TLS_ECDHE_RSA

Original Message Headers


```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
 bh=YOVIbBnk8bhYnNnXbKl3LQvbhczaOlEegDzV3DutB7s=;

b=lmZH7lmeftjlhdzl7VaXEPl5e7PXA5D5TzKzycUibKrhHVsawlK6W/3viTzN3Kg9gNjnyWzJeUl9VJRcwoOGqQu
JUYcPlVMxZ58DPNY/zNN2v+ca2qrtC9DrmD2gEvvLqB3LKF2B88ZGKEpP0h/FNJ2QSY3kymaAuQDSNWLgCVE=
Received: from BY2PR09MB1125.namprd09.prod.outlook.com (10.166.116.21) by
 BY2PR09MB1126.namprd09.prod.outlook.com (10.166.116.22) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_128_CBC_SHA256_P256) id
 15.1.1084.16; Fri, 12 May 2017 13:28:54 +0000
Received: from BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) by
 BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) with mapi id
 15.01.1084.021; Fri, 12 May 2017 13:28:54 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Bowles, Jack" <Bowles.Jack@epa.gov>, "Cook-Shyovitz, Becky"
        <Cook-Shyovitz.Becky@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement
 Agreement
Thread-Topic: Intro at EPA / EPA and Pebble Limited Partnership Reach
 Settlement Agreement
Thread-Index: AdLLI5rEKPtTyQaLSL6ZLtWoqarltg==
Date: Fri, 12 May 2017 13:28:54 +0000
Message-ID:
<BY2PR09MB1125439759C27C06C5CD1A8396E20@BY2PR09MB1125.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: epa.gov; dkim=none (message not signed)
 header.d=none;epa.gov; dmarc=none action=none header.from=epa.gov;
x-originating-ip: [161.80.88.117]
z-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
1;BY2PR09MB1126;7:P+5P1L9PLN/EmrRMr7Sk/ZhjAnruUbVUKzqi17hviitB9XvK/Naw8908Y2HTjvp0tyhdolf
RvgKQiu/XblGm9YEghCLr7Wz40ji73RG0kxGz5E4Q4HXHTzV9d9NyWfIFCFuMgdOasaNfxn+sUiPUdB72Styn321m
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6q1sWh/NnFFzi/7G35+uHmj4izcoSid1EVeEAuPO0QfvCPiIebs/wLZjV+DPZasu0ERZ9XYokhxjP/7O3wXm4Ywi8
tHpQ==
x-ms-office365-filtering-correlation-id: cb302f9a-dffb-447e-922f-08d4993ad64c
x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(22001)(2017030254075)(201703131423075)(201703031133081);SRVR
:BY2PR09MB1126;
z-ld-processed: 88b378b3-6748-4867-acf9-76aacbeca6a7,ExtAddr
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x-microsoft-antispam-prvs:
<BY2PR09MB11263B13F07E2A2277BF79F096E20@BY2PR09MB1126.namprd09.prod.outlook.com>

x-exchange-antispam-report-test:
UriScan:(18691203564520)(21748063052155)(229425074694992);

x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(6040450)(601004)(2401047)(8121501046)(5005006)(10201501046)(3002001)(93006095)(93001095)(6041248)(20161123560025)(20161123558100)(20161123555025)(20161123564025)(20170313142307 5)(20170228152807 5)(20170306142107 5)(20170306140615 3)(20161123562025)(6072148);SRVR:BY2PR09MB1126;BCL:0;PCL:0;RULEID:;SRVR:BY2PR09MB1126;

x-forefront-prvs: 0305463112

x-forefront-antispam-report:
SFV:NSPM;SFS:(10019020)(39840400002)(39450400003)(39400400002)(39850400002)(39410400002)(65514003)(5660300001)(8676002)(81166006)(8936002)(3660700001)(25786009)(8656002)(8666007)(77096006)(4326008)(790700001)(2900100001)(6116002)(3846002)(54906002)(10126004)(102836003)(861006)(99286003)(55016002)(6436002)(33656002)(7696004)(6506006)(189998001)(86362001)(3280700002)(606005)(733005)(72206003)(2906002)(66066001)(7906003)(19609705001)(19618635001)(7406005)(7416002)(7366002)(6200100001)(6862004)(110136004)(38730400002)(122556002)(7736002)(50986999)(9686003)(6306002)(236005)(54896002)(54356999)(74316002)(478600001)(53936002);DIR:OUT;SFP:1102;SCL:1;SRVR:BY2PR09MB1126;H:BY2PR09MB1125.namprd09.prod.outlook.com;FPR:;SPF:None;MLV:ovrnspm;PTR:InfoNoRecords;LANG:en;

spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/alternative;
        boundary="_000_BY2PR09MB1125439759C27C06C5CD1A8396E20BY2PR09MB1125namp_"

MIME-Version: 1.0

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 12 May 2017 13:28:54.7484
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1126

Message

From: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Sent: 6/8/2017 4:27:24 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: next steps for VTA discussion

That would be great!

What times work for all of you?

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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dnr.wi.gov

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, June 08, 2017 11:24 AM
To: Williams, Quinn L - DNR
Cc: Greenwalt, Sarah; Bennett, Tate
Subject: RE: next steps for VTA discussion

Thanks Sarah.

Quinn – Looping in Tate as well. We'd be more than happy to set up a call for tomorrow if you would like.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisor to
the Administrator for Air and Radiation
U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

From: Greenwalt, Sarah
Sent: Wednesday, June 7, 2017 11:26 PM
To: Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: next steps for VTA discussion

I am overseas on a work trip and will not return for another few days. If you'd like to discuss tomorrow I would encourage you to contact my senior policy analyst, Alex, who is cc'ed here.

Best,
Sarah

Sent from my iPhone

On Jun 8, 2017, at 1:09 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

> You around for a quick call?
>
> **We are committed to service excellence.**
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>
> Quinn L. Williams
> Chief Legal Counsel
> Director - Bureau of Legal Services
> Wisconsin Department of Natural Resources
> (☎) phone: Ex. 6
> (☎) fax: (608) 266-6983
> (✉) e-mail: quinn.williams@wisconsin.gov
> **CONFIDENTIALITY:** This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, June 07, 2017 11:50 AM
To: Williams, Quinn L - DNR
Subject: Re: next steps for VTA discussion

Thank you for this information.

Sent from my iPhone

On Jun 7, 2017, at 3:01 AM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

Hi Sarah.

See below. For our ongoing discussions.

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
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<image001.gif> dnr.wi.gov
<image002.gif> <image003.gif> <image004.gif> <image005.gif> <image006.gif>

From: Crass, David A (22267) [mailto:DACrass@michaelbest.com]
Sent: Tuesday, June 06, 2017 1:39 PM
To: Williams, Quinn L - DNR; Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM); 'pzimmerman@wfbf.com' (pzimmerman@wfbf.com)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Quinn: Thank you for forwarding and I apologize my schedule has prevented me from attending the last couple of sessions. We were aware of this letter from Ms. Hyde because Pam and MaryAnne cited it to us--as well as EPA's February 19, 2016 report of the results of the third state enforcement review-- when we first met last Spring to discuss these issues as a basis for the Department's state-wide pronouncements and actions concerning VTAs and calf hutches. I'd ask you to consider the following about those EPA documents as relates to Wisconsin's position and response:

The EPA Documents concern conditions observed at 8 CAFOs in Wisconsin. We have nearly 300 Large CAFOs I believe, meaning the "sample size" was about 0.03%. It was on this sample size that Ms. Hyde's letter is based when she communicates that EPA has "concerns" about whether the effluent limitations for both the federal and state program are being met statewide. However, USEPA's February 2016 report summary simply concludes that there is the "potential for discharge" in the report entries summarized concerning manure storage, feed storage, VTA's, feed lot areas and calf hutch areas:

Category	Findings
Stacking Areas of Manure, bagged feed, used bedding and feed.	5 of 6 facilities were found to be stacking used bedding and/or feed in unsuitable areas with the potential for runoff into a waterway.
Feed Storage Areas	7 out of 8 facilities had the potential for unauthorized discharges either from no containment, improperly designed, and/or improperly managed feed storage structures.
Vegetated Treatment Areas	4 out of the 6 facilities had unauthorized discharges from the VTA.
Feed Lot Areas	2 out of the 2 had problems with inadequate or no containment for their feedlot runoff. This runoff had the potential to discharge to surface waters.
Calf Hutch Areas	3 out of 3 had problems with runoff from calf hutch areas that had the potential to discharge to surface waters.

Note with respect to VTAs the report notes "unauthorized discharges" from the production area but does not mention "...to navigable surface waters." All other entries simply mention a "potential" to discharge. Further to that, under the "next steps" column in the summary report, USEPA writes:

> WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of *all wastestreams that have potential to discharge* including production area storm water runoff, feed storage areas, calf hutch area, and vegetated treatment areas.

It is ironic that USEPA would focus on areas of "potential" discharge in Wisconsin when its own effluent guideline and permitting authority only applies to Large CAFOs that have an *actual* discharge to navigable surface waters. See, *Waterkeeper Alliance, Inc. et al v. EPA,* 399 F.3d 486(2d Cir. 2005). WDNR should point out to USEPA that its permitting program is more expansive than USEPA's, since Wisconsin Large CAFOs do not enjoy the option of self-determining that they are a "no-discharge CAFO" and hence do not need a permit and since Wisconsin's program also requires groundwater protection. It seems to us inappropriate and a federal overreach for USEPA to suggest that a properly promulgated and incorporated technical design standard "does not ensure the required level of performance is being achieved" *statewide* when USEPA's own reports suggest only "potential discharges" that would not themselves trigger a permitting requirement under the federal program.

Thank you.

David A. Crass
Partner
Industry Group Chair, Agribusiness, Food & Beverage
T: Ex. 6 | michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----
From: Williams, Quinn L - DNR [mailto:Quinn.Williams@wisconsin.gov]
Sent: Wednesday, May 31, 2017 12:33 PM
To: Vebber, Lucas; Jordan K. Lamb; John Holevoet (jholevoet@WIDBA.COM);

'pzimmerman@wfbf.com' (pzimmerman@wfbf.com); Crass, David A (22267)
Cc: Weigel, Brian M - DNR; Heilman, Cheryl W - DNR; Aquino, Mark D - DNR; Michaud, Bernard J - DNR; Landretti, Jane R - DNR; Lowndes, MaryAnne - DNR; Voltz, Jeffrey R - DNR; Williams, Quinn L - DNR; Biersach, Pamela A - DNR
Subject: RE: next steps for VTA discussion

Hello everyone,

For those of you who may not have seen it, please see the attached letter from EPA regarding VTAs from March of 2016 that is relevant to the guidance/discussions.

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Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(() phone Ex. 6
(() fax: (608) 266-6983
(() e-mail: quinn.williams@wisconsin.gov
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Message

From: Hoelscher, Douglas L. EOP/WHO [redacted]
Sent: 4/29/2017 8:40:39 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Allan, Kristin [kristin.allan@nebraska.gov]
CC: Larry Pearce [larry@governorscoalition.org]; Johnson, Julia B. EOP/WHO [Julia.B.Johnson@who.eop.gov]
Subject: RE: Follow up to Governors' Call

Thanks for keeping me in the loop – glad the call went well!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Saturday, April 29, 2017 2:00 PM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Cc: Larry Pearce <larry@governorscoalition.org>; Hoelscher, Douglas L. EOP/WHO [redacted]; Johnson, Julia B. EOP/WHO [redacted]
Subject: Re: Follow up to Governors' Call

Thanks all! Much appreciated. I'm going to follow up with them on Monday. -Tate

Ps Flagging for Doug and Julia also at the WH!

On Apr 29, 2017, at 9:52 AM, Allan, Kristin <kristin.allan@nebraska.gov> wrote:

> Thank you, Tate and Larry.
> Gov. Ricketts' public relations director is Taylor Gage.
> taylor.gage@nebraska.gov
> [redacted] direct
> cell
>
> COS is Matt Miltenberger
> matt.miltenberger@nebraska.gov
> [redacted] main line
> cell
>
> Tate, I had shared your email with Larry so as to best connect the offices.
>
> Please let me know if I can help with anything else!
>
> Kristin
>
> Sent from my iPhone
>
> On Apr 29, 2017, at 7:57 AM, Larry Pearce <larry@governorscoalition.org> wrote:
>
>> Thanks. Is Troy intergovernmental?
>> You'll have a list on Monday morning.
>>
>> lp

On Apr 29, 2017, at 7:55 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Ah sorry about that! Yes! Troy Lyons- Lyons.Troy@epa.gov. Thanks, Larry. Appreciate it.

On Apr 29, 2017, at 8:52 AM, Larry Pearce <larry@governorscoalition.org> wrote:

> Yes, I have your note to Kristin. I have the substantive staff contacts for NE, SD and IA but not sure about comm. directors since they change frequently. I'll get you an updated list on Monday morning. And do you have the contact info for Troy whom the Administrator mentioned on the call? I'd like to finish the draft thank you letter and want to CC you and Troy as as well as other key EPA staff.
>
> Thanks.
>
> lp
>
>> On Apr 29, 2017, at 7:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> Hey Larry! I actually reached out to Kristin after the call looking for your contact info as well. Look forward to working together!
>>
>> Do you mind passing along the contact info for the three governors' chiefs and communications directors? Thank you!
>>
>> On Apr 29, 2017, at 8:05 AM, Larry Pearce <larry@governorscoalition.org> wrote:
>>
>>> Tate,
>>> Thanks for helping with the call yesterday. I was as pleased as the governors were with the positive tone of the discussion with Administrator Pruitt.

It couldn't have gone any better.
I'm drafting the thank you/follow up letter to the Administration, and I want to CC the EPA point of contacts. I have your info but just have Troy's first name. Can you please send me Troy's contact information as well other EPA staff who should be copied on the letter.
Thanks.

Larry

GOVERNORS' BIOFUELS COALITION

Larry Pearce
Executive Director
Governors' BioFuels Coalition

larry@governorsco
Ex. 6 direc
cell

P.O. Box 94922
Lincoln, NE 68509
www.GovernorsBio

Message

From: Libby, Lance [Lance.Libby@maine.gov]
Sent: 5/12/2017 7:48:02 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Congratulations! I look forward to working with you.

Lance Libby
Senior Policy Advisor
Office of the Governor
Ex. 6 Office
Mobile

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:32 AM
To: Bennett, Tate
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]
Sent: 5/18/2017 5:55:16 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Good, Gail - DNR [Gail.Good@wisconsin.gov]
Subject: Sheboygan County Ozone
Attachments: Sheboygan ozone 051517.docx; OzoneDesignationRec20160921.pdf

Hello Tate:

Thank you for taking time this week to discuss ozone issues pertaining to Sheboygan County. Per our discussion, we have included a fact sheet relating to this matter. In addition, attached is a September 21, 2016 letter from Governor Walker containing ozone designation recommendations for the 2015 ozone standard. If you have any questions, please feel free to contact me or Gail at your convenience. Thanks again.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Pat Stevens
Administrator – Environmental Management Division
Wisconsin Department of Natural Resources
Phone: Ex. 6
Cell Ph Ex. 6
patrick.stevens@wisconsin.gov

dnr.wi.gov

SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

September 21, 2016

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460

Subject: Designation of 2015 Ozone National Ambient Air Quality Standard (NAAQS) Nonattainment Areas in Wisconsin

Dear Administrator McCarthy:

On October 1, 2015, the United States Environmental Protection Agency (EPA) revised both the primary and secondary ozone National Ambient Air Quality Standards (NAAQS). I am sending this letter in accordance with section 107(d)(1)(A) of the Clean Air Act, which requires the governor of each state to submit designation recommendations within one year from the date of promulgation of a new federal standard. EPA's 2015 ozone final rule is currently being litigated by several states, including Wisconsin. Submission of these recommendations should not be considered as support of the 2015 ozone rule.

Recommendation

Based on the rationale provided below, I recommend that all counties in Wisconsin be designated as attainment for the 2015 ozone NAAQS.

Rationale

This recommendation is based on the following considerations:

1. Ozone levels in Wisconsin have greatly improved.

   Wisconsin has historically been a national leader in improving air quality and has put in place many important air pollution regulations to reduce emissions. These actions have resulted in a measurable improvement in monitored ozone levels. With two exceptions, all areas of Wisconsin are currently attaining the previous (2008) ozone standard, and the state recently submitted a request to EPA to redesignate one of the two remaining areas (eastern Kenosha County) to attainment. Given the positive trend in statewide ozone levels, and the continued cost and effort needed to implement the 1997 and 2008 ozone standards, it is unnecessary for EPA to designate additional nonattainment areas at this time.

2. Wisconsin has already significantly reduced ozone-causing emissions.

Wisconsin has enacted many permanent and enforceable control measure programs to reduce the nitrogen oxides (NOx) and volatile organic compound (VOC) emissions that contribute to ozone formation. This includes NOx reasonably available control technology (RACT), VOC RACT, and EPA's transport rules for NOx. State-implemented programs have been very effective in reducing VOC emissions from mobile sources.

Wisconsin also operates one of the most well-controlled utility systems in the country. Many facilities operated by Wisconsin utilities are in binding agreements to operate their selective catalytic reduction controls (SCRs) and to utilize low-NOx combustion systems. The state also has adopted two iterations of NOx emission limits for large point sources within previous ozone nonattainment areas.

Given the many actions Wisconsin has already taken to reduce emissions contributing to ozone, it is both unnecessary and unwarranted for EPA to designate additional nonattainment areas in the state. Such action would require these areas to seek additional reductions that, while costly and burdensome, would be unlikely to improve ozone conditions (see below).

3. Elevated ozone levels in Wisconsin are primarily due to emissions originating from other states.

As the state has repeatedly noted to EPA, Wisconsin's air quality is heavily impacted by ozone precursors originating from out of state.[1] Wisconsin's lakeshore counties, in particular, continue to suffer the consequences of diminished air quality and resulting nonattainment due to emissions originating beyond Wisconsin's borders. EPA's limited efforts to resolve this problem have proved to be inadequate. The result of EPA's inaction is that many areas of Wisconsin are threatened with the additional regulation that comes with a nonattainment designation with no ability to meaningfully influence the situation.

An example of this circumstance is Sheboygan County. Regional modeling estimates that Wisconsin sources are responsible for only 13% of the ozone measured at Sheboygan Kohler-Andrae monitor. EPA's own modeling for the proposed Cross-State Air Pollution Rule Update (80 FR 75706) predicts that Sheboygan will not attain the 2008 ozone NAAQS, primarily due to the out-of-state emissions the rule purports to control. As stated above, Wisconsin has already taken a wide range of actions to reduce emissions from sources it can control. Unless and until EPA takes action to fully address downwind state attainment issues, Wisconsin sources must not be required to reduce emissions further in order to meet EPA's new standard.

These reasons justify a designation of "attainment" for all counties in Wisconsin for this NAAQS. However, if EPA elects to designate areas of the state as nonattainment, EPA should ensure that the geographic areas covered by such designations are minimized through the use of partial county designations, alternative designations (e.g., rural transport areas), or other flexibilities that may be available. The state reserves the right to update these recommendations, or provide additional information to EPA, if deemed appropriate.

Please contact Gail Good, Director of the Air Management Program at the Wisconsin Department of Natural Resources, at (608) 264-8537 if you have any questions related to this letter. Thank you for

[1] See Wisconsin's comments on EPA's 2008 ozone proposed rule (March 17, 2015) and request for reconsideration of EPA's final rule (December 18, 2015).

the opportunity to submit the State of Wisconsin's recommendations on this important air quality matter.

Sincerely,

Scott Walker
Governor

cc: Robert Kaplan, Acting Administrator, Region V, US EPA
Senator Robert Cowles, Chair, Senate Committee on Natural Resources and Energy
Representative Jeffrey Mursau, Chair, Assembly Committee on Environment and Forestry
Cathy Stepp, Secretary, Department of Natural Resources
Patrick Stevens, Administrator, Air & Waste Division, Department of Natural Resources
Gail Good, Director, Air Management Program, Department of Natural Resources

Sierra Club v. EPA 18cv3472 NDCA Tier 10 ED_002061_00069487-00003

Sheboygan County Ozone Status and Issues - 05/15/17

2015 Ozone NAAQS (70 ppb)

1. There are two air quality monitors in Sheboygan County. Based on 2014-2016 data, the lakeshore Kohler-Andrae monitor has a design value above the standard (79 ppb) while the inland Sheboygan-Haven monitor has a design value below the standard (69 ppb).

2. On September 21, 2016 Governor Walker recommended to EPA that all counties in Wisconsin (including Sheboygan County) be designated as "attainment" for the 2015 ozone NAAQS.

3. On April 20, 2017 WDNR submitted supplemental information to EPA to support the governor's recommendation of statewide attainment. This submittal confirms that high ozone levels are confined to a very narrow band along the shoreline (including Sheboygan County), and that high ozone levels in Wisconsin are due to emissions that originate from outside the state. This conclusion is based on a variety of sources, including:
    - Ozone monitoring data
        - Including analysis of differences between lakeshore and inland monitors
    - Analyses of ozone concentrations relative to wind direction
    - Regional emissions inventories
    - Photochemical modeling predicting the ozone gradient along the lakeshore
    - "Source apportionment" modeling showing out-of-state contributions to Wisconsin's ozone monitors
    - Modeling showing that, even if all anthropogenic NOx and VOC emissions in Sheboygan County were eliminated, design values at the Kohler-Andrae monitor would not decrease.

4. Additional emissions reductions in the area have been shown to have no meaningful impact on monitored ozone concentrations. Therefore, a designation of attainment is appropriate.

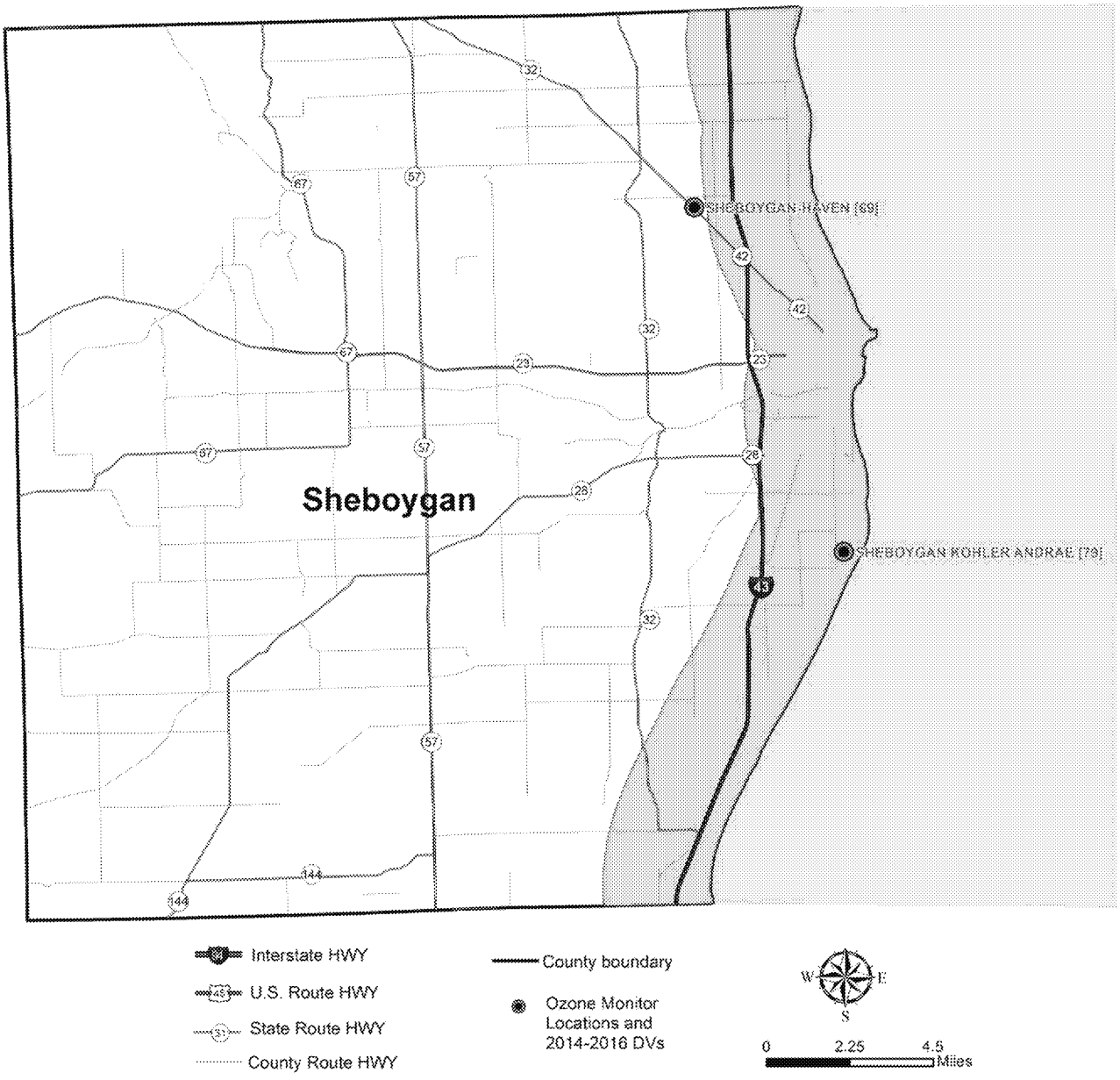
5. If EPA imposes nonattainment area designations contrary to the governor's recommendation, the submittal describes the maximum geographic extent of the 70 ppb contour along Wisconsin's Lake Michigan shoreline. In Sheboygan County. Specifically, the analysis indicates that, at most, the 70 ppb contour extends 2.9 miles from the shoreline in the county. *See attached figures.*

2008 Ozone NAAQS (75 ppb)

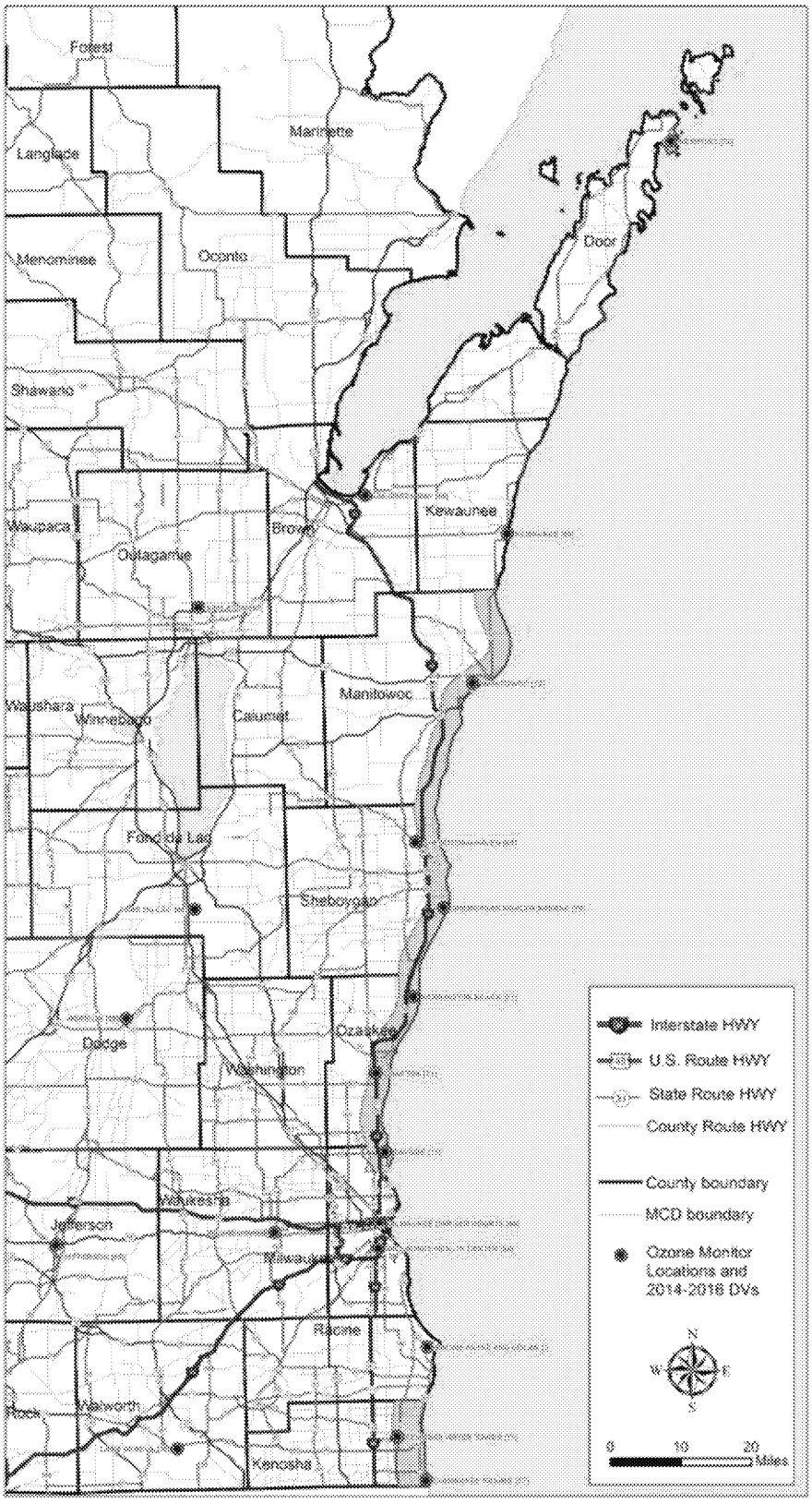
1. All of Sheboygan County is currently designated nonattainment for the 2008 ozone NAAQS. In June 2013, WDNR requested that EPA correct Sheboygan County's boundary to reflect a "partial county" area. At EPA's request, WDNR submitted additional supporting data in January 2014. EPA has not acted on this state request.

2. In December 2016, EPA changed Sheboygan County's classification for the 2008 ozone NAAQS to "moderate" because the Sheboygan Kohler-Andrae monitor did not show that the area achieved NAAQS by the marginal area attainment date of July 2015. WDNR commented to EPA that it should not take this action, due to Wisconsin's limited ability to influence ozone concentrations in Sheboygan County. WDNR also asked for more time to develop the required attainment plan (EPA proposed in September 2016, finalized in December 2016 with the plan due January 1, 2017.)

Maximum extent of 70 ppb design value contour – Sheboygan County only
(From WDNR supplemental submittal to EPA re: 2015 ozone area designations, April 20, 2017)



Maximum extent of 70 ppb design value contour – Statewide
(From WDNR supplemental submittal to EPA re: 2015 ozone area designations, April 20, 2017)



Message

From: Larry Pearce [larry@governorscoalition.org]
Sent: 5/9/2017 1:43:49 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Todd Sneller [todd.sneller@nebraska.gov]
Subject: Governors' Thank You Letter to Administrator Pruitt (May 8, 2017)
Attachments: GBC Pruitt Thanks Follow Up Letter (5-8-17).pdf; GBC Suggsted Regulatory Actions & Initaitives (4-28-17).pdf

Tate,
Attached is the governors' thank you letter to Administrator Pruitt. Please share a copy with the Administrator. You and Troy are copied on the letter.
We should schedule a conference call with a small group of staff who will help address the governors' suggested regulatory modifications. I've attached the call's briefing memo and governors' letter to President Trump which identifies most of the measures the governors discussed during the call.
Please suggest possible times for a call with EPA staff at you convenience.
We look forward to a collaborative and productive working relationship with you and your colleagues.

Larry

GOVERNORS' BIOFUELS COALITION

Larry Pearce
Executive Director
Governors' BioFuels Coalition

larry@governorscoalition.org
Ex. 6 direct
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GOVERNORS' BIOFUELS COALITION

• **Nebraska** Gov. Pete Ricketts, Chair • **Iowa** Gov. Terry Branstad, Former Chair • **South Dakota** Gov. Dennis Daugaard, Former Chair
• **Executive Director**, Larry Pearce

May 8, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt:

On behalf of our Coalition colleagues, thank you for taking the time to talk with us last month. We were reassured not only by your understanding of the importance of the regulatory modifications we had suggested to you and President Trump, but also by your innovative ideas that could strengthen our states' agricultural communities.

We would like to schedule a follow-up call with you in July to discuss progress toward regulatory reforms. In the meantime, the Coalition's point of contact is Larry Pearce, the Coalition's executive director, who has been directed to coordinate collaboration between your staff and ours.

We were pleased with the positive tone of our conservation and look forward to a long and productive working relationship with you and your colleagues at EPA.

Sincerely,

Pete Ricketts
Chairman and
Governor of Nebraska

Terry E. Branstad
Former Chairman and
Governor of Iowa

Dennis Daugaard
Former Chairman and
Governor of South Dakota

cc: Member Governors
The Honorable Lt. Governor Kim Reynolds
The Honorable Doug Hoelscher, White House Office of Intergovernmental Affairs
Elizabeth Tate Bennett, E.P.A. Office of Congressional and Intergovernmental Affairs
Troy Lyons, E.P.A. Office of Congressional and Intergovernmental Affairs
Hunter Roberts, Governor Daugaard's Office
Matt Miltenberger, Governor Ricketts' Office
Stephanie Groen, Governor Branstad's Office
Kayla Lyon, Governor Branstad's Office
Todd Sneller, Nebraska Ethanol Board

P.O. Box 94922 Lincoln, NE 68509 Phone 402 651-2948 www.GovernorsBiofuelsCoalition.org

GBC Briefing Memo for Call with Administrator Pruitt (April 8, 2017)
Regulatory Actions and Initiatives

The purpose of the call is to introduce Administrator Pruitt to important regulatory modifications and initiatives that will help grow the states' biofuels industry while protecting air quality and to identify collaborative next steps for the states and EPA to implement these actions. Many of these initiatives were suggested in the Coalition's recent letter to President Trump (attached).

The Coalition is eager to work with the Administrator to address these and other important issues:

Extend the RVP Waiver to Higher Ethanol Blends.

Despite the Coalition's repeated requests, EPA has interpreted the *Clean Air Act* to deprive higher ethanol blends of the benefit of a partial waiver of the Reid Vapor Pressure (RVP) limit that should apply to all gasoline containing at least 10 percent ethanol. RVP is a measure of a fuel's tendency to evaporate. The fuel's evaporative tendency diminishes with increasing levels of ethanol over 10 percent. In other words, E15 has lower evaporative emissions than E10, and E30's RVP is even lower still. However, as a result of EPA's interpretation, retailers are blocked from selling E15 — an otherwise legal fuel — during certain times of year or else use a separate low-vapor pressure gasoline blend stock. EPA regulations have unnecessarily limited the amount of clean-octane ethanol in the market, despite the economic and environmental benefits that would come with increased ethanol consumption.

Authorize State and Regional E30 Test Programs.

Automakers have asked EPA to create a commercial pathway to use of higher-octane gasoline. Higher-octane gasoline is required for advanced high compression engines that are optimized to use the higher-octane fuel, reducing the price of gasoline, improving vehicle performance, and reducing carbon and other harmful emissions. Recently, the South Dakota legislature adopted a resolution calling for the use of E30 gasoline in all state fleet vehicles that would help demonstrate that higher ethanol blends improve vehicle performance and does not interfere with emissions control systems.

Consider the Use of High-Octane Ethanol to Meet GHG-CAFE Requirements.

The Administration's recent announcement to "reset" the Mid-Term Evaluation process for the previous Administration's GHG – CAFE rule provides an opportunity to consider the use of high-octane ethanol. The MTE review provides an appropriate vehicle to encourage the widespread availability of higher-octane gasoline that automakers must have to power efficient downsized, turbocharged, and higher compression engines.

Update Lifecycle Carbon Findings.

EPA's estimate of the lifecycle carbon emissions associated with ethanol have not been updated for a decade, thereby sanctioning the use of obsolete data to distort the public's perception of biofuels' environmental benefits. Recent studies show that one of the most effective ways to reduce the carbon in gasoline is to encourage the widespread use of high-octane, lower carbon gasoline blends.

Update Mobile Emissions Model.

EPA should update the 2014 MOVES model to prohibit spurious comparisons of high- and low-ethanol emissions factors. The MOVES model — which EPA requires the states to use in developing their state implementation plans — poses a danger to those who live in the nation's largest cities or near congested roadways. The model is currently under review by the FACA MOVES Review Work Group, but that group has not prioritized a review of the relevant emissions factors. Unless EPA corrects this emissions model, it will force states to adopt the model's mistaken conclusions about ethanol's contribution to air pollution when they make decisions on how to comply with the *Clean Air Act's* emissions requirements.

GOVERNORS' BIOFUELS COALITION

• **Nebraska** Gov. Pete Ricketts, Chair • **Iowa** Gov. Terry Branstad, Former Chair • **South Dakota** Gov. Dennis Daugaard, Former Chair

March 6, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We write on behalf of governors from states across the nation who believe that two of America's great treasures are agriculture and renewable fuels and to commend you for your positive statements about biofuels over the last year.

Our states are the home to over 200 biorefineries that are producing tens of thousands of jobs, sequestering tons of carbon, saving millions of barrels of foreign oil, and making enormous financial contributions to our states' and the nation's economies. As governors, we agree that one of the best ways to meet the nation's energy needs is to expand biofuels production.

We look forward to working with your Administration to maximize these benefits through the following initiatives, which can be addressed with regulatory modifications and better alignment to current law:

- The U.S. Environmental Protection Agency (EPA) should provide parity for E10 and higher ethanol blends. EPA's erroneous legal analysis that E15 — although it is an even cleaner fuel than E10 — does not qualify for the decades-old partial exemption of E10 from the *Clean Air Act's* fuel volatility limitations discriminates against higher blends of ethanol and demonstrates unnecessary red tape from Washington, DC.

- EPA's lifecycle carbon findings should be updated. The EPA has failed to update lifecycle carbon findings for a decade, thereby sanctioning the use of obsolete data. This distorts the public's perception of biofuels' environmental benefits. Recent studies show that an effective way to reduce the carbon in gasoline is the widespread use of high-octane, lower carbon gasoline blends.

- The EPA should enforce the Renewable Fuel Standard as approved by Congress.

P.O. Box 94922 • Lincoln, NE 68509 • Phone 402 651-2948 • www.GovernorsBiofuelsCoalition.org

- EPA should update the 2014 Motor Vehicle Emission Simulator (MOVES) model to prohibit spurious comparisons of high- and low-ethanol emissions factors. The MOVES model — which EPA requires the states to use in developing their state implementation plans — negatively impacts those who live in the nation's largest cities or near congested roadways.

We believe these steps will further advance the development of the nation's renewable energy resources by removing bureaucratic administrative barriers. We look forward to working with you, your Administration and Congress to further our states' and the nation's biofuel energy development.

We would welcome an opportunity to renew that important state-federal partnership. Thank you for your consideration of our request and your commitment to the nation's energy future. Please contact us if we can be of further assistance.

Sincerely,

Pete Ricketts Vice Chairman and Governor of Nebraska	Terry E. Branstad Former Chairman and Governor of Iowa	Dennis Daugaard Former Chairman and Governor of South Dakota

cc:

The Honorable Rick Perry, U.S. Secretary of Energy Nominee

The Honorable Scott Pruitt, U.S EPA Administrator

The Honorable Sonny Perdue, U.S Department of Agriculture Nominee

The Honorable Mick Mulvaney, White House Office of Management & Budget

Message

From: Clover Adams, Jamie (MDARD) [CloveradamsJ@michigan.gov]
Sent: 5/26/2017 6:49:51 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Holton, Jennifer (MDARD) [holtonj@michigan.gov]
Subject: RE: Contact Assistance

Great. I'll have Jen give you a call next week. Thanks Tate.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 26, 2017 2:34 PM
To: Clover Adams, Jamie (MDARD) <CloveradamsJ@michigan.gov>
Subject: Re: Contact Assistance

Hi there! What kind of staffer are you looking for? Someone from communications? I'd be happy to speak to her and figure out the best route. Ex. 6

On May 26, 2017, at 2:03 PM, Clover Adams, Jamie (MDARD) <CloveradamsJ@michigan.gov> wrote:

> Tate:
>
> The Communication's Officers of State Departments of Agriculture (COSDA) – our departments comms folks – are looking for someone from EPA to be on a panel at their annual meeting in New Orleans this September. My Communication's Director Jen Holton is working on the program for them. Who would you suggest she speak with about this request?
>
> Thanks for your assistance. Have a nice weekend.
>
> Jamie Clover Adams
>
> <image001.png>

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/26/2017 6:43:50 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Can I give you a call?

Yeah Ex. 6

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 26, 2017 2:43 PM
To: Roskam, Kyle - GOV
Subject: Re: Can I give you a call?

What's the best number? Desk?

On May 26, 2017, at 12:11 PM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

> Absolutely. No problem.
>
> **Kyle Roskam**
> *Director of Federal Relations*
> Office of Wisconsin Governor Scott Walker
> kyle.roskam@wisconsin.gov
> Direct: Ex. 6
> Hall of States
> 444 N. Capitol Street, NW
> Suite 544
> Washington, D.C. 20001-1581
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, May 26, 2017 12:09 PM
> **To:** Roskam, Kyle - GOV
> **Subject:** Re: Can I give you a call?
>
> Hey! I'm loading up our car to head out of town. Can I call you from the road this afternoon?
>
> On May 26, 2017, at 11:26 AM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:
>
> > Got a separate issue to put on your radar.
> >
> > **Kyle Roskam**
> > *Director of Federal Relations*
> > Office of Wisconsin Governor Scott Walker
> > kyle.roskam@wisconsin.gov

Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Torstenson, Cassandra L. [ctorstenson@nd.gov]
Sent: 5/12/2017 6:47:25 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Introduction North Dakota Governor's Office

Thank you. The ND Governor's office will work on a reply to the asks in the letter and the power point.

Kindly,

Cassandra

Cassandra Torstenson | Policy Advisor | 701.328.2200 (o) | 701.328.2205 (f) | ctorstenson@nd.gov
North Dakota Office of the Governor | 600 East Boulevard Avenue, Bismarck, ND 58505-0001
| https://www.governor.nd.gov/

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 12:57 PM
To: Torstenson, Cassandra L. <ctorstenson@nd.gov>
Subject: RE: Introduction North Dakota Governor's Office

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Awesome. Sounds like a plan. Wanted to make sure you received this letter on WOTUS earlier this week as well. Let me know if he has any questions!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Torstenson, Cassandra L. [mailto:ctorstenson@nd.gov]
Sent: Friday, May 12, 2017 1:47 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Introduction North Dakota Governor's Office

Good Afternoon Tate,

Thank you for the introduction. I am the Senior Scientific Policy Advisor for North Dakota's Governor Doug Burgum. Please feel free to reach out if you every have any questions.

For your reference, my primary policy areas include: Energy, Agriculture, Natural Resources, Parks and Recreation, Water, Transportation and Emergency Services.

Kindly,

Cassandra

Cassandra Torstenson | Policy Advisor | 701.328.2200 (o) Ex. 6 (c) 701.328.2205 (f) | ctorstenson@nd.gov
North Dakota Office of the Governor | 600 East Boulevard Avenue, Bismarck, ND 58505-0001
| https://www.governor.nd.gov/

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Date: May 12, 2017 at 9:31:53 AM CDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

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Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
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- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Torstenson, Cassandra L. [ctorstenson@nd.gov]
Sent: 5/12/2017 6:14:30 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Power point

Thank you.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 1:13 PM
To: Torstenson, Cassandra L. <ctorstenson@nd.gov>
Subject: Power point

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Message

From: Torstenson, Cassandra L. [ctorstenson@nd.gov]
Sent: 5/12/2017 6:05:24 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Introduction North Dakota Governor's Office

Thank you Tate.

Do you have a copy of the referenced power point?

Cassandra

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 12:57 PM
To: Torstenson, Cassandra L. <ctorstenson@nd.gov>
Subject: RE: Introduction North Dakota Governor's Office

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Awesome. Sounds like a plan. Wanted to make sure you received this letter on WOTUS earlier this week as well. Let me know if he has any questions!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Torstenson, Cassandra L. [mailto:ctorstenson@nd.gov]
Sent: Friday, May 12, 2017 1:47 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Introduction North Dakota Governor's Office

Good Afternoon Tate,

Thank you for the introduction. I am the Senior Scientific Policy Advisor for North Dakota's Governor Doug Burgum. Please feel free to reach out if you every have any questions.

For your reference, my primary policy areas include: Energy, Agriculture, Natural Resources, Parks and Recreation, Water, Transportation and Emergency Services.

Kindly,

Cassandra

Cassandra Torstenson | Policy Advisor | 701.328.2200 (o) Ex. 6 (c) 701.328.2205 (f) | ctorstenson@nd.gov
North Dakota Office of the Governor | 600 East Boulevard Avenue, Bismarck, ND 58505-0001
| https://www.governor.nd.gov/

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
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Date: May 12, 2017 at 9:31:53 AM CDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>

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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Torstenson, Cassandra L. [ctorstenson@nd.gov]
Sent: 5/12/2017 5:46:45 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
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North Dakota Office of the Governor | 600 East Boulevard Avenue, Bismarck, ND 58505-0001
| https://www.governor.nd.gov/

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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 4/28/2017 9:44:57 PM
To: Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]
CC: Eberle, Ed - DNR [Ed.Eberle@wisconsin.gov]; Aquino, Mark D - DNR [Mark.Aquino@wisconsin.gov]; Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: Re: Thank You and Follow-Up Info

Patrick, Ed, Quinn and others: It was such a pleasure to spend the day learning about your programs and some of the challenges you are facing. I have been anticipating this material as I have "teed up" several of the issues for review by some policy folks. As it gains some momentum, I will make sure you have a voice in the process. In the meantime, please let me know if I can be of assistance.

I am told that there is a State Directors meeting something around June 14, so I will be there during the meeting and will, again, visit Region 5 around your meetings.

Thanks,

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6
wagner.kenneth@epa.gov

On Apr 28, 2017, at 3:22 PM, Stevens, Patrick K - DNR <Patrick.Stevens@wisconsin.gov> wrote:

> Hi Ken:
>
> Thank you for taking time to meet with us on April 18, 2017. We greatly appreciate Administrator Pruitt's and your efforts to reach out to states, as well of the opportunity to have an open discussion with you on a wide range of issues.
>
> As a follow-up to our discussion, I have attached a number of documents for your information. The first document is the "One Cleanup Program" MOA between EPA and WDNR. This MOA has been very beneficial in our efforts to get contaminated property back in to productive use in Wisconsin. The other documents all relate to "treatment as a state" determinations for tribes to implement environmental regulations. These documents include: WDNR comments on a "Revised Interpretation of Clean Water Act Tribal Provision;" Wisconsin's comments on the Forest County Potawatomi Community's application for treatment as a state pursuant to the Clean Water Act; and a Petition for Certiorari, which describes the authority issue that was reinterpreted by EPA.
>
> Thanks again!
>
> We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Pat Stevens
Administrator – Environmental Management Division
Wisconsin Department of Natural Resources
Phone: Ex. 6
Cell Ph
patrick.stevens@wisconsin.gov

[cid:image001.gif@01D2C00A.00015920]<http://dnr.wi.gov/> dnr.wi.gov<http://dnr.wi.gov/>
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<MOA.PDF>

<Wisconsin objection to Forest County Potawatomi Community TAS applicatio....pdf>

<State of Wisconsin Certiorari Petition 266 P.3d 741 (7'h Cir. 2001).pdf>

<Wisconsins filed comments.pdf>

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 5/3/2017 2:59:01 PM
To: Thelen, Mary Beth (DEQ) [THELENM2@michigan.gov]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Grether, Heidi (DEQ) [GretherH@michigan.gov]; O'Brien, Timothy (DEQ) [OBrienT3@michigan.gov]
Subject: RE: Call-In Information for May 4 Call - RE: SO2 Compliance Timing Regulations

Thanks, I will be on the call.

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

From: Thelen, Mary Beth (DEQ) [mailto:THELENM2@michigan.gov]
Sent: Wednesday, May 3, 2017 10:50 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Cc: Grether, Heidi (DEQ) <GretherH@michigan.gov>; O'Brien, Timothy (DEQ) <OBrienT3@michigan.gov>
Subject: Call-In Information for May 4 Call - RE: SO2 Compliance Timing Regulations

I have since left voice mails with Troy Lyons' management assistant but haven't heard back, so assuming she is out of the office, I'm instead providing the call-in information for tomorrow's 9:30 am conference call:

Phone: Ex. 6
Access Code: Ex. 6

Director Grether will be the host and has the Host Password. Thanks.

Karen Shaler for Mary Beth Thelen

From: Thelen, Mary Beth (DEQ)
Sent: Monday, May 01, 2017 5:07 PM
To: 'Lyons, Troy'; Bennett, Tate; Wagner, Kenneth
Cc: Grether, Heidi (DEQ); O'Brien, Timothy (DEQ)
Subject: RE: SO2 Compliance Timing Regulations

FYI, I left a voice mail today for Troy Lyons' management assistant asking her to provide the call-in information as that was the plan when she and I scheduled this conference call via phone on April 27. Thanks!

Karen Shaler for Mary Beth Thelen

Mary Beth Thelen
Executive Management Assistant to the Director
Michigan Department of Environmental Quality
Ex. 6 or 284-6700
Thelenm2@michigan.gov

-----Original Appointment-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, April 27, 2017 4:34 PM
To: Lyons, Troy; Bennett, Tate; Wagner, Kenneth; Grether, Heidi (DEQ); O'Brien, Timothy (DEQ); Thelen, Mary Beth (DEQ)
Subject: SO2 Compliance Timing Regulations
When: Thursday, May 04, 2017 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 3426-A

Electric Reliability Concerns

Message

From: Allan, Kristin [kristin.allan@nebraska.gov]
Sent: 4/28/2017 8:20:03 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Introductions

Thank you for your email. State Offices will be closed on Friday, April 28 in observance of Arbor Day.
Thank you.

Regards,
Kristin Allan
Scheduler
Office of Governor Pete Ricketts
P.O. Box 94848
Lincoln, NE 68509
Phone: Ex. 6

Delivery Report

From: mailer-daemon@wisconsin.gov [mailer-daemon@wisconsin.gov]
Sent: 4/28/2017 6:18:09 PM
To: kyle.roskan@wisconsin.gov
Subject: Undeliverable: Quarterly Meetings
Attachments: Quarterly Meetings

Your message
To: Bennett, Tate
CC: Wagner, Kenneth; Lyons, Troy; Richardson, RobinH; Rees, Sarah; Bowles, Jack; Cook-Shyovitz, Becky
Subject: Quarterly Meetings
Sent: 4/28/2017 6:18:06 PM

Delivery has failed to these recipients or groups:

kyle.roskan@wisconsin.gov
The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: MEWMAD1P1959.accounts.wistate.us

kyle.roskan@wisconsin.gov
Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:


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Received: from MEWMAD1P1961.accounts.wistate.us (2002:a5bd:d570::a5bd:d570) by
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 SMTP Server (TLS) id 15.0.1263.5; Fri, 28 Apr 2017 13:18:08 -0500
Received: from eml22p.wi.gov (165.189.56.55) by
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Received: from mail-cylgcc01on0101.outbound.protection.outlook.com (HELO gcc01-CY1-
obe.outbound.protection.outlook.com) ([23.103.200.101])
  by eml22p.wi.gov with ESMTP/TLS/AES256-SHA256; 28 Apr 2017 13:18:08 -0500
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 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
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Received: from BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) by
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 15.01.1061.016; Fri, 28 Apr 2017 18:18:06 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Wagner, Kenneth" <wagner.kenneth@epa.gov>, "Lyons, Troy"
        <lyons.troy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>,
        "Rees, Sarah" <rees.sarah@epa.gov>, "Bowles, Jack" <Bowles.Jack@epa.gov>,
        "Cook-Shyovitz, Becky" <Cook-Shyovitz.Becky@epa.gov>
Subject: Quarterly Meetings
Thread-Topic: Quarterly Meetings
Thread-Index: AdLAS3nY0sfvWysPSXC/w7Yzgn8gEw==
Date: Fri, 28 Apr 2017 18:18:06 +0000
Message-ID:
<BY2PR09MB11252C2827BF4DD05F23A96C96130@BY2PR09MB1125.namprd09.prod.outlook.com>
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1;BY2PR09MB1127;7:PGfxW3MEGiSSopA4aBGbW2tplNtKI1gpZiCD7aQx6E7ZqpO6lw9u947uHxTNyNYPACtmfS0
rrCUaKl2ctuTpYSOZE7xwDcm4NFIle/SFjcaAlhPpteufex0QfxB94o0FAZwPmofBuHutolfnLjZFSznaQhwi7UEV
LV3WNzIPTi5SA5su2twEWKv0jlPilSkWP/FWh2NUwcuPp5EyN4iMNhh4cntDeNj8yeeecppMJbTvt122X9dtp8PZC
XTE+6UGV6Hc5ziYsWzecCPDhixkJ7SkrYX3V7BWZpyF1ShEwrAX/llQFSqeXhUY+GBbX+7fxy6oEAj0DulLZ7y+Q0
Nlgg==
x-ms-office365-filtering-correlation-id: 0ee73ed1-4755-4ddb-6fd3-08d48e62eaf1
x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(22001)(201703025407 5)(201703131423075)(201703031133081);SRVR
:BY2PR09MB1127;
x-ld-processed: 88b378b3-6748-4867-acf9-76aacbeca6a7,ExtAddr
x-microsoft-antispam-prvs:
<BY2PR09MB11275B861E79DDE37898DCA5961300@BY2PR09MB1127.namprd09.prod.outlook.com>
x-exchange-antispam-report-test: UriScan:(217480630521 55);
x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(6040450)(601004)(2401047)(8121501046)(5005006)(3002001)(93006095)(930
01095)(10201501046)(6041248)(20161123555025)(20161123564025)(201703131423075)(20170228152
8075)(201703061421075)(201703061406153)(20161123562025)(20161123558100)(20161123560025)(6
072148);SRVR:BY2PR09MB1127;BCL:0;PCL:0;RULEID:;SRVR:BY2PR09MB1127;
x-forefront-prvs: 029174C036
x-forefront-antispam-report:
SFV:NSPM;SFS:(10019020)(6009001)(39450400003)(39840400002)(39410400002)(39400400002)(3985
0400002)(10523001)(55674003)(152014003)(7116003)(3660700001)(8656002)(6862004)(3906040000
2)(54906002)(5660300001)(77096006)(189998001)(9686003)(3280700002)(6436002)(2900100001)(6
506006)(54896002)(790700001)(3846002)(102836003)(99286003)(6306002)(110136004)(33656002)(

122556002)(38730400002)(86362001)(7696004)(2906002)(6116002)(54356999)(53936002)(25786009
)(50986999)(4326008)(55016002)(7416002)(8676002)(8936002)(81166006)(221733001)(66066001)(
74316002)(3480700004)(6200100001)(7736002);DIR:OUT;SFP:1102;SCL:1;SRVR:BY2PR09MB1127;H:BY
2PR09MB1125.namprd09.prod.outlook.com;FPR:;SPF:None;MLV:ovrnspm;PTR:InfoNoRecords;LANG:en
;
spamdiagnosticoutput: 1:99
spamdiagnosticmetadata: NSPM
Content-Type: multipart/alternative;
        boundary="_000_BY2PR09MB11252C2827BF4DD05F23A96C96130BY2PR09MB1125namp_"
MIME-Version: 1.0
X-MS-Exchange-CrossTenant-originalarrivaltime: 28 Apr 2017 18:18:06.4931
 (UTC)
X-MS-Exchange-CrossTenant-fromentityheader: Hosted
X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7
X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1127
Return-Path: Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 4/28/2017 6:18:06 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Rees, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Rees, Sarah]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Cook-Shyovitz, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=324db863c4b540d29852c65d352c8b57-Cook-Shyovitz, Becky]
Subject: Quarterly Meetings

All-

On behalf of my colleagues at EPA, I wanted to thank you all for participating in our quarterly feedback session earlier this week. We are excited to get to know each of you. There will many to follow, and please do not hesitate to let us know how we can be of assistance in the meantime.

Have a great weekend!

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/11/2017 6:30:23 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Jerry Strickland
Attachments: Jerry Strickland.vcf

Jerry Strickland
Governor Greg Abbott
Director of State-Federal Relations

Ex. 6 Work
Mobile
Jerry.Strickland@gov.texas.gov
strickland.jerry@gmail.com

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Contact

Full Name: Jerry Strickland
Last Name: Strickland
First Name: Jerry
Company: Governor Greg Abbott

Business Phone: Ex. 6
Mobile Phone: Ex. 6

E-mail: Jerry.Strickland@gov.texas.gov

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/11/2017 6:14:56 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Please feel free to call back when you can.

Yeah shout away.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, May 11, 2017 2:13 PM
To: Roskam, Kyle - GOV
Subject: RE: Please feel free to call back when you can.

Good deal. Can I actually call you on something unrelated?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Thursday, May 11, 2017 12:21 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Please feel free to call back when you can.

Gail Good, Director of the Bureau of Air Management would be the best contact.

Direct line - Ex. 6

Feel free to give her a call when you have time. Also, Pat Stevens is our Division Administrator for Air and Water. Gail may reference him as well. Both should be helpful but please let me know if you need anything else from me.

Thanks,

Kyle

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, May 08, 2017 2:19 PM

To: Roskam, Kyle - GOV
Subject: Re: Please feel free to call back when you can.

Can you point me to your technical poc back in the state on this issue? I need to get a menu of workable options from them.

On May 5, 2017, at 4:41 PM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

> Got your voicemail.
>
> **Kyle Roskam**
> *Director of Federal Relations*
> Office of Wisconsin Governor Scott Walker
> kyle.roskam@wisconsin.gov
> Direct: Ex. 6
> Hall of States
> 444 N. Capitol Street, NW
> Suite 544
> Washington, D.C. 20001-1581

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 4/28/2017 6:18:08 PM
To: elizabeth.morriseau@wyo.gov
Subject: Undeliverable: Quarterly Meetings
Attachments: Quarterly Meetings

Your message
To: Bennett, Tate
CC: Wagner, Kenneth; Lyons, Troy; Richardson, RobinH; Rees, Sarah; Bowles, Jack; Cook-Shyovitz, Becky
Subject: Quarterly Meetings
Sent: 4/28/2017 6:18:06 PM

Your message to elizabeth.morriseau@wyo.gov couldn't be delivered.

elizabeth.morriseau wasn't found at wyo.gov.

Bennett.Tate	**Office 365**	**elizabeth.morriseau**
Action Required		Recipient
Unknown To address		

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: Fix email delivery issues for error code 5.1.1 in Office 365, and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see Fix email delivery issues for error code 550 5.1.1 in Office 365.

Original Message Details

Created Date:	4/28/2017 6:18:06 PM
Sender Address:	Bennett.Tate@epa.gov
Recipient Address:	elizabeth.morriseau@wyo.gov
Subject:	Quarterly Meetings

Error Details

Reported error:	*550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 https://support.google.com/mail/?p=NoSuchUser c4si6823350pfg.193 - gsmtp*
DSN generated by:	BY2PR09MB1127.namprd09.prod.outlook.com
Remote server:	mx.google.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	4/28/2017 6:18:06 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1125.namprd09.prod.outlook.com	mapi

2	4/28/2017 6:18:06 PM	BY2PR09MB1125.namprd09.prod.outlook.com	BY2PR09MB1127.namprd09.prod.outlook.com	Microsoft SMTP Server cipher=TLS_ECDHE_RSA

Original Message Headers


```
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
 bh=EFWS6UO9IInACYbMnZ6HcWduXHLSPkrqHdjbWB4U5D4=;

b=NHR6TqbEqL3aBL3zUpCorrXzPkTD7J9N5vCPDokEC3ss61qGqpvaQ39L07PuZ01DM2Vm+9AJANMa7hDk3RLGCw2
SGmMH7v9N1f22FQ4cF23A+R7oUjO/MueypW7nYV8mhvzOb9YFOlKOmtvxipt8JygovMcZ32Cgdk1EQDbEvDc=
Received: from BY2PR09MB1125.namprd09.prod.outlook.com (10.166.116.21) by
 BY2PR09MB1127.namprd09.prod.outlook.com (10.166.116.23) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_128_CBC_SHA256_P256) id
 15.1.1061.12; Fri, 28 Apr 2017 18:18:06 +0000
Received: from BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) by
 BY2PR09MB1125.namprd09.prod.outlook.com ([10.166.116.21]) with mapi id
 15.01.1061.016; Fri, 28 Apr 2017 18:18:06 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
CC: "Wagner, Kenneth" <wagner.kenneth@epa.gov>, "Lyons, Troy"
        <lyons.troy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>,
        "Rees, Sarah" <rees.sarah@epa.gov>, "Bowles, Jack" <Bowles.Jack@epa.gov>,
        "Cook-Shyovitz, Becky" <Cook-Shyovitz.Becky@epa.gov>
Subject: Quarterly Meetings
Thread-Topic: Quarterly Meetings
Thread-Index: AdLAS3nY0sfvWysPSYC/w7Yzgn8gEw==
Date: Fri, 28 Apr 2017 18:18:06 +0000
Message-ID:
<BY2PR09MB11252C2827BF4DD05F23A96C96130@BY2PR09MB1125.namprd09.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: epa.gov; dkim=none (message not signed)
 header.d=none;epa.gov; dmarc=none action=none header.from=epa.gov;
x-originating-ip: [161.80.88.117]
z-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
1;BY2PR09MB1127;7:PGfzW3MEGiSSopA4aBGbW2tpiNtKI1gp2iCD7aQz6E7ZgpO61w9u947uHzTNyNYRACtmfS0
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XTE+6UGV6Hc5ziYsWzecCPDkixkJ7SkrYX3V7BWZpyF1ShEwrAX/11QFSqeYhUY+GBbX+7fzy6oFAj0Du1L27y+Q0
Nlgg==
x-ms-office365-filtering-correlation-id: 0ee73ed1-4755-4ddb-6fd3-08d48e62eaf1
x-microsoft-antispam:
UriScan:;BCL:0;PCL:0;RULEID:(22001)(2017030254075)(201703131423075)(201703031133081);SRVR
:BY2PR09MB1127;
z-ld-processed: 88b378b3-6748-4867-acf9-76aacbeca6a7,ExtAddr
```

x-microsoft-antispam-prvs:
<BY2PR09MB1127B861E79DDE37898DCA596130@BY2PR09MB1127.namprd09.prod.outlook.com>

x-exchange-antispam-report-test: UriScan:(21748063052155);

x-exchange-antispam-report-cfa-test:
BCL:0;PCL:0;RULEID:(6040450)(601004)(2401047)(8121501046)(5005006)(3002001)(93006095)(93001095)(10201501046)(6041248)(20161123555025)(20161123564025)(20170331423075)(20170228152 8075)(20170306142107 5)(20170306140615 3)(20161123562025)(20161123558100)(20161123560025)(6072148);SRVR:BY2PR09MB1127;BCL:0;PCL:0;RULEID:;SRVR:BY2PR09MB1127;

x-forefront-prvs: 029174C036

x-forefront-antispam-report:
SFV:NSPM;SFS:(10019020)(6009001)(39450400003)(39840400002)(39410400002)(39400400002)(39850400002)(10523001)(55674003)(152014003)(7116003)(3660700001)(8656002)(6862004)(39060400002)(54906002)(5660300001)(77096006)(189998001)(9686003)(3280700002)(6436002)(2900100001)(6506006)(54896002)(790700001)(3846002)(102836003)(99286003)(6306002)(110136004)(33656002)(122556002)(38730400002)(86362001)(7696004)(2906002)(6116002)(54356999)(53936002)(25786009)(50986999)(4326008)(55016002)(7416002)(8676002)(8936002)(81166006)(221733001)(66066001)(74316002)(3480700004)(6200100001)(7736002);DIR:OUT;SFP:1102;SCL:1;SPVR:BY2PR09MB1127;H:BY2PR09MB1125.namprd09.prod.outlook.com;FPR:;SPF:None;MLV:ovrnspm;PTR:InfoNoRecords;LANG:en;

spamdiagnosticoutput: 1:99

spamdiagnosticmetadata: NSPM

Content-Type: multipart/alternative;
        boundary="_000_BY2PR09MB11252C2827BF4DD05F23A96C96130BY2PR09MB1125namp_"

MIME-Version: 1.0

X-OriginatorOrg: epa.gov

X-MS-Exchange-CrossTenant-originalarrivaltime: 28 Apr 2017 18:18:06.4931
 (UTC)

X-MS-Exchange-CrossTenant-fromentityheader: Hosted

X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7

X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY2PR09MB1127

Message

From: Allan, Kristin [kristin.allan@nebraska.gov]
Sent: 4/28/2017 1:59:05 PM
To: Hupp, Sydney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d50089ff1a5b4c83baa0160afe2c33cb-Hupp, Sydne]
CC: Hale, Michelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cb99f5247ab8412fa017133839301fee-Hale, Miche]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Gov Call with Administrator Pruitt

Yes, call is confirmed for today. Thank you, all!

Sent from my iPhone

On Apr 28, 2017, at 7:20 AM, Hupp, Sydney <hupp.sydney@epa.gov> wrote:

> Hey Kristin,
>
> Just confirming that we are still on today for the call with the governor's at 3:30EST. I will be out this afternoon so I am looping in Tate and Michelle in the event of any changes.
>
> Thank you!
>
> **Sydney Hupp**
> Executive Scheduler
> Office of the Adminsitrator
> Ex. 6 (c)
>
> **From:** Allan, Kristin [mailto:kristin.allan@nebraska.gov]
> **Sent:** Thursday, April 20, 2017 4:21 PM
> **To:** Hupp, Sydney <hupp.sydney@epa.gov>
> **Subject:** RE: Gov Call with Administrator Pruitt
>
> Thank you, again!
>
> **From:** Hupp, Sydney [mailto:hupp.sydney@epa.gov]
> **Sent:** Thursday, April 20, 2017 11:55 AM
> **To:** Allan, Kristin <kristin.allan@nebraska.gov>
> **Subject:** RE: Gov Call with Administrator Pruitt
>
> Sounds great!! Thank you for everything!
>
> Sydney Hupp
> Office of the Administrator- Scheduling
> Ex. 6
>
> **From:** Allan, Kristin [mailto:kristin.allan@nebraska.gov]
> **Sent:** Thursday, April 20, 2017 12:49 PM

To: Hupp, Sydney <hupp.sydney@epa.gov>
Subject: RE: Gov Call with Administrator Pruitt

Thank you, Sydney! To confirm, this will be at 3:30-4:00 pm ET/2:30-3:00 pm CT on 4/28?
Larry Pearce with the Governors' Biofuels Coalition offered their call-in information:
Ex. 6 access Ex. 6

Participants List:
Gov. Pete Ricketts, Governor of Nebraska
Gov. Terry Branstad, Governor of Iowa
Lt. Gov. Kim Reynolds, Lt. Governor of Iowa
Gov. Dennis Daugaard, Governor of South Dakota

Please see attached letter for more information regarding the topic – growing the biofuels industry.

Thank you for all your help!

Kristin Allan
Scheduler

Office of Governor Pete Ricketts
OFFICE Ex. 6
kristin.allan@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Hupp, Sydney [mailto:hupp.sydney@epa.gov]
Sent: Thursday, April 20, 2017 11:43 AM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

Great! Let's do 3:30 on the 28th. What is the call in information? Additionally, do you have a participants list and topic?

Thank you!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

From: Allan, Kristin [mailto:kristin.allan@nebraska.gov]
Sent: Wednesday, April 19, 2017 10:13 AM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Subject: Re: Gov Call with Administrator Pruitt

Good news - South Dakota is also available on 4/28 from 3:30-5:00 pm Eastern. Do you want to let me know of the 30-minute block that works best? Do you want to use your conference call line? Please let me know.
Thank you!

Sent from my iPhone

On Apr 18, 2017, at 11:46 AM, Allan, Kristin <kristin.allan@nebraska.gov> wrote:

Hi, Sydney! 2:30-4:00 pm Central/3:30-5:00 pm Eastern works for Nebraska and Iowa; I'm waiting to hear from South Dakota. I hope to have an answer soon.
In the meantime, I think we can release the hold on 2:30-3:30 pm Eastern.
Thank you!

Kristin Allan
Scheduler

Office of Governor Pete Ricketts
OFFICE Ex. 6
kristin.allan@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Hupp, Sydney [mailto:hupp.sydney@epa.gov]
Sent: Tuesday, April 18, 2017 8:28 AM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

Hey Kristin, needing to schedule an additional meeting in that 2:30-5:00PM time slot. Do we have an idea of what time in there we are looking at?

Thanks!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

From: Hupp, Sydney
Sent: Monday, April 17, 2017 2:21 PM
To: 'Allan, Kristin' <kristin.allan@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

I'll block the whole time slot!

Thanks!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

From: Allan, Kristin [mailto:kristin.allan@nebraska.gov]
Sent: Monday, April 17, 2017 12:55 PM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Subject: RE: Gov Call with Administrator Pruitt

Sydney: how about the afternoon of 4/28? Maybe 30 minutes between 2:30-5:00 pm ET?
I still need to check this date with the other governors' offices.

Thank you,
Kristin

From: Hupp, Sydney [mailto:hupp.sydney@epa.gov]
Sent: Monday, April 17, 2017 8:13 AM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Cc: Lundgren, Danielle <danielle.lundgren@nebraska.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

The week of the 24th might be our best upcoming time. We have our best flexibility on the 28th but there are a handful of time slots that week.

Thanks!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

From: Allan, Kristin [mailto:kristin.allan@nebraska.gov]
Sent: Monday, April 17, 2017 8:51 AM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Cc: Lundgren, Danielle <danielle.lundgren@nebraska.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

Sydney: thank you for the update. We certainly understand.
I'll work with the other governors' offices to identify some good options on our end. Could you suggest a few dates that work well for the Administrator/dates that are best to avoid? If it's easier to compare calendars over the phone, please feel free to give me a call at Ex. 6
Thank you, again!
Kristin Allan
Scheduler

Office of Governor Pete Ricketts
OFFICE Ex. 6
kristin.allan@nebraska.gov
governor.nebraska.gov | **Facebook** | **Twitter**

From: Hupp, Sydney [mailto:hupp.sydney@epa.gov]
Sent: Monday, April 17, 2017 7:00 AM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Cc: Lundgren, Danielle <danielle.lundgren@nebraska.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Gov Call with Administrator Pruitt

Hi Kristin,

I'm sorry for the delay in getting back with you. I have been trying to make this work on our end but I think that due to travel we just won't be able to. I'm so so sorry. Is it possible for us to begin looking at other dates?

Thanks!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

From: Allan, Kristin [mailto:kristin.allan@nebraska.gov]
Sent: Sunday, April 16, 2017 11:06 AM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Cc: Lundgren, Danielle <danielle.lundgren@nebraska.gov>; Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Re: Gov Call with Administrator Pruitt

Good morning, Sydney.
Just wanted to touch base - do you know if a conference call tomorrow might be a possibility? Thank you!
Regards,
Kristin

Sent from my iPhone

On Apr 13, 2017, at 3:54 PM, Allan, Kristin <kristin.allan@nebraska.gov> wrote:

> Hi, Sydney! Any update on the possibility of a Monday call?
> I'll be out of the office tomorrow, so I'm copying my back-up Danielle Lundgren. Can you please add her on any emails regarding the call?
> Thank you!
> **Kristin Allan**
> *Scheduler*
>
> **Office of Governor Pete Ricketts**
> OFFICE Ex. 6
> kristin.allan@nebraska.gov
> **governor.nebraska.gov** | **Facebook** | **Twitter**
>
> ---
>
> **From:** Allan, Kristin
> **Sent:** Wednesday, April 12, 2017 1:12 PM
> **To:** 'Hupp, Sydney' <hupp.sydney@epa.gov>
> **Cc:** Lundgren, Danielle <danielle.lundgren@nebraska.gov>
> **Subject:** RE: Gov Call with Administrator Pruitt
>
> Good afternoon, Sydney.
> Thank you for your email and for helping to schedule to this call. Yes, that sounds great.
> FYI - On Friday (4/14), I will be out of the office and checking email from time-to-time. If you need immediate assistance on Friday, please

contact my back-up, Danielle Lundgren (copied), at Ex. 6 or at danielle.lundgren@nebraska.gov.
Thank you, again.

Kristin Allan
Scheduler

Office of Governor Pete Ricketts
OFFICE Ex. 6
kristin.allan@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Hupp, Sydney [mailto:hupp.sydney@epa.gov]
Sent: Wednesday, April 12, 2017 1:05 PM
To: Allan, Kristin <kristin.allan@nebraska.gov>
Subject: Gov Call with Administrator Pruitt

Hi Kristin,

Hope you're well! Touching base on the Gov call proposed on April 17th at 1PM CST. The Administrator is set to be traveling that day but I am trying to work out logistically finding a way for him to call in and participate on the road. Is it okay if I reach back to you on this tomorrow afternoon?

Thank you!

Sydney Hupp
Office of the Administrator- Scheduling
Ex. 6

Message

From: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Sent: 5/1/2017 8:15:42 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: RE: Reaching out

Thank you!

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, May 01, 2017 4:15 PM
To: Roskam, Kyle - GOV
Subject: RE: Reaching out

You bet!

-----Original Message-----
From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, May 1, 2017 4:06 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Reaching out

Do you mind calling Ex. 6 One of our Madison folks hopes to join. Same time though!

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, May 01, 2017 12:48 PM
To: Roskam, Kyle - GOV
Subject: RE: Reaching out

Ex. 6 Thanks, Kyle!

-----Original Message-----
From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, May 1, 2017 12:46 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Reaching out

Yes that should be fine. Whats your best number?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, May 01, 2017 12:45 PM
To: Roskam, Kyle - GOV
Cc: Douglas.L.Hoelscher Ex. 6 Julia B. EOP/WHO Johnson
Subject: RE: Reaching out

Can you do 5:30 PM Eastern?

-----Original Message-----
From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, May 1, 2017 12:43 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Douglas.L.Hoelscher Ex. 6 Julia B. EOP/WHO Johnson <Ex. 6>
Subject: RE: Reaching out

Thanks Tate. Happy to chat. When works for you?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Saturday, April 29, 2017 1:58 PM
To: Roskam, Kyle - GOV
Cc: Douglas.L.Hoelscher Ex. 6 Julia B. EOP/WHO Johnson
Subject: Reaching out

Hey Kyle!

Tate Bennett with EPA intergov here. Got your letter as Doug Hoelscher flagged it for me. Do you have time to discuss next steps on Monday? Let me know and look forward to working with you.

Tate

Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 4/5/2017 5:30:20 PM
To: cloveradams@michigan.gov
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: EPA comments at Ag America

Director Adams:

It was nice to briefly meet you today at the Ag America meeting. Your comments to Administrator Pruitt today drew my interest. I would very much like to set up a time to discuss your Department's experiences with EPA Region 5. I will be traveling to Region 5 on the week of April 17 and would love to have some knowledge of your experiences.

Respectfully,

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 4/7/2017 5:25:16 PM
To: Stephanie.green@iowa.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: FW: Iowa Antidegradation Issue
Attachments: Iowa DNR letter to Michael Shapiro - EPA Office of Water.pdf; ATT00001.htm; Request for reversal of EPA decision to disapprove Iowa (1).docx; ATT00002.htm

Hi Stephanie!

Ryan Jackson forwarded us your request. We are happy to look into this.

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Jackson, Ryan
Sent: Friday, April 7, 2017 1:23 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Fwd: Iowa Antidegradation Issue

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

Begin forwarded message:

> **From:** "Groen, Stephanie" <stephanie.groen@iowa.gov>
> **Date:** April 7, 2017 at 11:24:50 AM CDT
> **To:** jackson.ryan@epa.gov
> **Cc:** "Benton, Donald" <benton.donald@epa.gov>, Jon Tack <jon.tack@dnr.iowa.gov>, "Lyon, Kayla" <kayla.lyon@iowa.gov>, "Hoelscher, Douglas" < Ex. 6
> **Subject: Fwd: Iowa Antidegradation Issue**
>
> Ryan,

My name is Stephanie Groen and I work in Governor Branstad's Federal Relations office in DC. I wanted to follow up on the antidegradation issue that both Governor Branstad and Lt. Governor Reynolds discussed with Administrator Pruitt during their meeting with him in February.

The State is eager to see resolution of this issue. Is there any other information that you need from me to spur the process along?

Thank you for your attention to this very important matter.

Best,
Stephanie

---------- Forwarded message ----------
From: **Groen, Stephanie** <stephanie.groen@iowa.gov>
Date: Fri, Mar 3, 2017 at 11:38 AM
Subject: Iowa Antidegradation Issue
To: "Benton, Donald" <benton.donald@epa.gov>, "Dewey, Amy" <dewey.amy@epa.gov>, "Hale, Michelle" <hale.michelle@epa.gov>, "Anderson, Denise" <anderson.denise@epa.gov>
Cc: "Hoelscher, Douglas" [Ex. 6] "Lyon, Kayla" <kayla.lyon@iowa.gov>, Jon Tack <jon.tack@dnr.iowa.gov>

Don and EPA Team,

Thank you, again, for your assistance in coordinating the meeting last week between Administrator Pruitt and Governors Branstad, Dayton, Holcomb, and Lt. Governor Reynolds. My bosses were extremely pleased with how the meeting went and are looking forward to working with Administrator Pruitt over the coming months and years.

On that note, I wanted to follow up with you regarding the antidegradation issue that Governor Branstad and Lt. Governor Reynolds discussed with the Administrator.

Attached you will find a letter to Michael Shapiro from Jon Tack, the Chief of the Iowa Water Quality Bureau, detailing our request to Administrator Pruitt to reconsider the late-night Obama Administration disapproval of Iowa's revisions to our Antidegradation Implementation Procedures. Administrator Pruitt seemed eager to work with Governor Branstad and Lt. Governor Reynolds to resolve this issue.

I have also attached some talking points that provide more details on the issue.

We look forward to working with your team and are hopeful for a quick reversal of the decision from the Obama-Administration EPA Team.

Please let me know if there is any further information that you need from me regarding this issue.

Best,
Stephanie

--
--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: McClaskey, Jackie [KDA] [Jackie.McClaskey@ks.gov]
Sent: 6/5/2018 9:51:16 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Automatic reply: Pruitt

Thanks for your email.

I am out of the office traveling much of the next several weeks. I will NOT be checking email regularly.

Please contact Brittney Grother at brittney.grother@ks.gov or 785.564.6700 for assistance with scheduling, getting further assistance, or being connected to another member of the KDA team.

Thanks.

Jackie

Message

From: Soukup, Mary [KDA] [Mary.Soukup@ks.gov]
Sent: 6/11/2018 10:44:59 PM
To: Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: Checking In Regarding Tomorrow's Visit

The governor's scheduled has changed. He will not be with the group tomorrow. Lt. Governor Tracey Mann will join the group at Dedonders.

Thanks.

Mary

Sent from my iPhone

> On Jun 12, 2018, at 1:49 AM, Kundinger, Kelly <kundinger.kelly@epa.gov> wrote:
>
> Hi Mary -
>
> I hope you had a nice weekend! I wanted to check in with you regarding Administrator Pruitt's visit to Kansas tomorrow.
>
> Would you mind confirming that Governor Colyer is joining us at Eastern Kansas Agri Energy from 9:00am - 10:30am and at Dedonder Farms from 10:30am - 11:45am?
>
> Thanks,
>
> Kelly
>
>

Delivery Report

From: Microsoft Outlook [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Sent: 6/5/2018 4:18:40 PM
To: Kris.erickson@state.sd.gov
Subject: Undeliverable: Quick call
Attachments: Quick call

Your message
To: Kris.erickson@state.sd.gov
CC: Cory, Preston (Katherine)
Subject: Quick call
Sent: 6/5/2018 4:18:39 PM

Delivery has failed to these recipients or groups:

Kris.erickson@state.sd.gov (Kris.erickson@state.sd.gov)
Your message couldn't be delivered. The Domain Name System (DNS) reported that the recipient's domain does not exist.

Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their domain isn't properly registered at their domain registrar. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.

For more information and tips to fix this issue see this article: https://go.microsoft.com/fwlink/?LinkId=389361.

Diagnostic information for administrators:

Generating server: BL0PR0901MB2419.namprd09.prod.outlook.com

Kris.erickson@state.sd.gov
Remote Server returned '550 5.4.310 DNS domain state.sd.gov does not exist [Message=InfoDomainNonexistent] [LastAttemptedServerName=state.sd.gov] [DM2GCC01FT004.eop-gcc01.prod.protection.outlook.com]'

Original message headers:


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DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
 s=selector1-epa-gov;
 h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;
 bh=zCaeZFxtbKJIaKSmBzm97OQ2FG5UJ9BmC7OuDoIM9ns=;
```

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Received: from BL0PR0901MB2339.namprd09.prod.outlook.com (52.132.18.157) by
 BL0PR0901MB2419.namprd09.prod.outlook.com (52.132.19.25) with Microsoft SMTP
 Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id
 15.20.841.13; Tue, 5 Jun 2018 16:18:39 +0000
Received: from BL0PR0901MB2339.namprd09.prod.outlook.com
 ([fe80::8511:7ae8:9df4:f268]) by BL0PR0901MB2339.namprd09.prod.outlook.com
 ([fe80::8511:7ae8:9df4:f268%5]) with mapi id 15.20.0820.015; Tue, 5 Jun 2018
 16:18:39 +0000
From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Kris.erickson@state.sd.gov" <Kris.erickson@state.sd.gov>
CC: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>
Subject: Quick call
Thread-Topic: Quick call
Thread-Index: AdP86MQisFMm51xVRbqzIe6huhslQw==
Date: Tue, 5 Jun 2018 16:18:39 +0000
Message-ID:
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Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
authentication-results: spf=none (sender IP is)
 smtp.mailfrom=Bennett.Tate@epa.gov;
x-originating-ip: [161.80.87.199]
x-ms-publictraffictype: Email
x-microsoft-exchange-diagnostics:
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:1;MX:1;
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UriScan:;BCL:0;PCL:0;RULEID:(7020095)(4652020)(5600026)(4534165)(4627221)(201703031133081
)(201702281549075)(2017052603328)(7153060)(7193020);SRVR:BL0PR0901MB2419;
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419;BCL:0;PCL:0;RULEID:;SRVR:BL0PR0901MB2419;
x-forefront-prvs: 0694C54398
received-spf: None (protection.outlook.com: epa.gov does not designate
 permitted sender hosts)

x-microsoft-antispam-message-info:
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spamdiagnosticoutput: 1:99
spamdiagnosticmetadata: NSPM
Content-Type: multipart/alternative;
        boundary="_000_BL0PR0901MB23393D655E6B96A907D7F4D696660BL0PR0901MB2339_"
MIME-Version: 1.0
X-MS-Office365-Filtering-Correlation-Id: b87327a8-ac70-487b-6787-08d5caffff7e
X-OriginatorOrg: epa.gov
X-MS-Exchange-CrossTenant-Network-Message-Id: b87327a8-ac70-487b-6787-08d5caffff7e
X-MS-Exchange-CrossTenant-originalarrivaltime: 05 Jun 2018 16:18:39.4278
 (UTC)
X-MS-Exchange-CrossTenant-fromentityheader: Hosted
X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7
X-MS-Exchange-Transport-CrossTenantHeadersStamped: BL0PR0901MB2419

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/5/2018 4:18:39 PM
To: Kris.erickson@state.sd.gov
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Quick call

Hi Kris-

Can you give us a quick call when you have a second regarding an event for next week?

Ex. 6

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Marr, Kendall [GO] [Kendall.Marr@ks.gov]
Sent: 6/7/2018 1:55:22 AM
To: Soukup, Mary [KDA] [Mary.Soukup@ks.gov]
CC: Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Adam Nordstrom [adam@vikingnav.com]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Lansdowne, Heather [KDA] [Heather.Lansdowne@ks.gov]
Subject: Re: Press call for tomorrow re: Kansas Trip

I am free at any time.

Sent from my iPhone

> On Jun 6, 2018, at 5:21 PM, Soukup, Mary [KDA] <Mary.Soukup@ks.gov> wrote:
>
> I will send call info first thing in the morning.
>
> Sent from my iPhone
>
>> On Jun 6, 2018, at 5:05 PM, Daniell, Kelsi <daniell.kelsi@epa.gov> wrote:
>>
>> 11am est works for me. Thanks!
>>
>> Sent from my iPhone
>>
>>> On Jun 6, 2018, at 6:04 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>
>>> Adding Kelsi but 11 works for me.
>>>
>>>> On Jun 6, 2018, at 6:00 PM, Adam Nordstrom <adam@vikingnav.com> wrote:
>>>>
>>>> EPA Team, Kansas Team:
>>>>
>>>> Mary e-mailed me a couple hours ago, but internet has been down while I was in motion, so late to the followup. Can the EPA team (and your press) do a call with our press tomorrow? I think they have a path forward that works.
>>>>
>>>> Mary from KDA will organize. Kendall Marr, the Governor's spokesperson, and Heather Landsdown, the KDA spokesperson are both copied and will run point from our end on press.
>>>>
>>>> I can circulate a call in number if that helps people. Let me know what works. 1100hrs EDT? Just starting the time negotiation.
>>>>
>>>> Thanks,
>>>> Adam
>>>> Washington, DC Representative - State of Kansas
>>>> Ex. 6

Message

From: Lansdowne, Heather [KDA] [Heather.Lansdowne@ks.gov]
Sent: 6/6/2018 10:05:27 PM
To: Adam Nordstrom [adam@vikingnav.com]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Soukup, Mary [KDA] [Mary.Soukup@ks.gov]; Marr, Kendall [GO] [Kendall.Marr@ks.gov]
Subject: RE: Press call for tomorrow re: Kansas Trip

I can be free at any time that works for you.

****
Heather Lansdowne
Director of Communications
Kansas Department of Agriculture
Ex. 6
Heather.Lansdowne@ks.gov

-----Original Message-----
From: Adam Nordstrom [mailto:adam@vikingnav.com]
Sent: Wednesday, June 6, 2018 5:01 PM
To: Tate Bennett <Bennett.Tate@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Soukup, Mary [KDA] <Mary.Soukup@ks.gov>; Marr, Kendall [GO] <Kendall.Marr@ks.gov>; Lansdowne, Heather [KDA] <Heather.Lansdowne@ks.gov>
Subject: Press call for tomorrow re: Kansas Trip

EPA Team, Kansas Team:

Mary e-mailed me a couple hours ago, but internet has been down while I was in motion, so late to the followup. Can the EPA team (and your press) do a call with our press tomorrow? I think they have a path forward that works.

Mary from KDA will organize. Kendall Marr, the Governor's spokesperson, and Heather Landsdown, the KDA spokesperson are both copied and will run point from our end on press.

I can circulate a call in number if that helps people. Let me know what works. 1100hrs EDT? Just starting the time negotiation.

Thanks,
Adam
Washington, DC Representative - State of Kansas
Ex. 6

Message

From: Holton, Jennifer (MDARD) [holtonj@michigan.gov]
Sent: 6/7/2018 8:12:49 PM
To: wmg5@cdc.gov; Cassell, Peter [Peter.Cassell@fda.hhs.gov]; Curlett, Ed C - APHIS [Ed.C.Curlett@aphis.usda.gov]; Sue.King@nass.usda.gov; Winn, G. Dean [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f679d38091884d42a297871ac8d32d2d-Giwinn]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]
CC: Castro, Hector (AGR) [HCastro@agr.wa.gov]
Subject: FW: COSDA Annual Meeting Update

Good afternoon –

Below is some information on the upcoming COSDA annual meeting being held September 30-October 3 in Richland, Washington. Federal updates will be held the afternoon of Sunday, September 30, 2018 at the start of the meeting; however, we would love to have you stay with us for the duration.

Please let me know by July 13 if you will be able to attend and provide an update on your agency, so we can get you added to the agenda. COSDA is a great avenue to building connections and partnerships with the state agencies.

If you have any questions, please feel free to give me a call.

Thank you,
Jen

Jennifer Holton, APR
Director of Communications
MI Dept. of Agriculture & Rural Development
E: holtonj@michigan.gov
M: 517-242-2575
D: Ex. 6

From: Amanda Culp <Amanda@nasda.org>
Sent: Tuesday, June 5, 2018 9:44 AM
To: Hector Castro (hcastro@agr.wa.gov) <hcastro@agr.wa.gov>
Subject: COSDA Annual Meeting Update

Hello all –

I wanted share some COSDA 2018 conference news with the group.

Membership Renewal

Don't forget to renew your membership to have access to the member rate for the conference. Our very affordable memberships can be completed on an individual basis online here. The renewal automatically generates an invoice should you need to pay by check and not credit card. Membership dues subscribe you to an elite network of communicators, help us offer online services like conference registration and membership renewal, and also afford our organization audit protections. We currently have only 26 states represented. Let's get to 50!

Conference Registration

Conference registration will launch in mid-July. Keep your eyes peeled for an e-mail to register or check back at the conference website often and remember that you save money by becoming a COSDA Member (see above).

Hotel rooms

COSDA has a block of rooms available for the conference at the Courtyard Richland Columbia Point, on the Columbia River. Rooms are available at the state rate of $96-$126 per night, plus tax. The block expires on Aug. 29, 2018, but since the room block could sell out before this date, you are all encouraged to book your room as soon as possible. Book online here or call 509-942-9400 to reserve your room by phone. Be sure to mention you are participating in the 2018 COSDA Annual Meeting to obtain the conference rate.

Presenter request

A draft agenda will be available soon! But before that, one of our speakers had a request. She would like some information from all of us to help focus her presentation. This is for a session to help us polish our plain-language writing skills and boost the odds that our materials will be read and acted upon.

Please review the items below and indicate to me the written material you and your teams work on the most.

- Pamphlets/brochures
- Posters/fliers
- Press releases
- Web content
- Social media
- Fact sheets
- Customer letters
- Executive correspondence
- Regulatory guidance/instructions
- Reports
- Application forms
- Other – please describe:

Also, if you have a specific challenge writing in plain talk, please let me know so it can be addressed in the workshop.

This information will help us offer the most valuable professional development to COSDA members at the conference. Don't be surprised if you get additional inquiries like this from me as I work with our presenters to ensure our workshops and presentations meet your needs.

Thank you and don't forget to renew your COSDA membership if you haven't already.

– Hector

Hector Castro

Communications Director
Washington State Department of Agriculture
Desk: Ex. 6 Cell: Ex. 6

Message

From: Chu, Ed [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A7A6452E3E0941B4BB1FAFA1BA1AE424-CHU, EDWARD]
Sent: 6/8/2018 6:56:19 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Soukup, Mary [KDA] [Mary.Soukup@ks.gov]
CC: Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]
Subject: RE: Potential schedule for Kansas visit

No we will make it work.

Edward H. Chu | Deputy Regional Administrator
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
Ex. 6
epa.gov | epa.gov/region7

From: Bennett, Tate
Sent: Friday, June 08, 2018 1:05 PM
To: Soukup, Mary [KDA] <Mary.Soukup@ks.gov>
Cc: Kundinger, Kelly <kundinger.kelly@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>
Subject: RE: Potential schedule for Kansas visit

Hey Ed and Kelly- would it be a problem to move to move the regional office visit to the end of the day?

From: Soukup, Mary [KDA] [mailto:Mary.Soukup@ks.gov]
Sent: Friday, June 8, 2018 1:34 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Potential schedule for Kansas visit

Another change request – could you do region 7 office staff at the end of the day?

8:00 – 9:00 am – Drive to East Kansas Agri Energy
9:00 – 10:30 am – Tour and ethanol discussion
10:30 – 12:00 pm – Drive to Dedonder farms, near Admire, KS
12:00 – 1:30 – Tour and smoke management discussion
1:30 – 3:00 – Drive to EPA Region 7
3:00 – 4:00 – Meet with Region 7 staff
4:00 – 4:30 – Drive to Kansas City International Airport

Yes – I should have time.

Message

From: Hoelscher, Douglas L. EOP/WHO [redacted]
Sent: 3/15/2018 7:20:57 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Groen, Stephanie [stephanie.groen@iowa.gov]
CC: Pottebaum, Nicholas D. EOP/WHO [redacted] Rollins, Blake - OSEC, Washington, DC [Blake.Rollins@osec.usda.gov]; Jake Ketzner [jake.ketzner@iowa.gov]; Lyon, Kayla [kayla.lyon@iowa.gov]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Letter from Govs to POTUS

Seems like you had a great group yesterday

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, March 15, 2018 3:07 PM
To: Groen, Stephanie <stephanie.groen@iowa.gov>
Cc: Hoelscher, Douglas L. EOP/WHO [redacted] Pottebaum, Nicholas D. EOP/WHO [redacted] Rollins, Blake - OSEC, Washington, DC <Blake.Rollins@osec.usda.gov>; Jake Ketzner <jake.ketzner@iowa.gov>; Lyon, Kayla <kayla.lyon@iowa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Re: Letter from Govs to POTUS

Thank you for flagging! My boss spoke highly of Governor Reynolds in front of Craig Hill and Iowa Farm Bureau yesterday.

On Mar 15, 2018, at 10:33 AM, Groen, Stephanie <stephanie.groen@iowa.gov> wrote:

> Doug and Nic,
>
> Attached is a letter from five GOP Governors to the President reiterating their support for the RFS. Will you please make sure this gets to the right people?
>
> Tate and Blake, I cc'd you for your awareness as I know both of your bosses have been actively engaged in this issue.
>
> We will be sending a press release highlighting the letter this morning but I wanted to make sure you all got a copy first.
>
> Thanks,
> Stephanie
> --
>
> **Stephanie Groen** | Director of State-Federal Relations
>
> Office of the Governor, State of Iowa
>
> Gov. Kim Reynolds and Lt. Gov. Adam Gregg
>
> 202.624.5479 | stephanie.groen@iowa.gov
>
> >www.governor.iowa.gov<

>www.ltgovernor.iowa.gov<

<RFS Gov Letter to POTUS March 2018.pdf>

Message

From: Cory, Preston (Katherine) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BFD80B15F6D04A3BA11FC8CA3C85BC50-CORY, KATHE]
Sent: 3/14/2018 4:17:33 PM
To: Benevento, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93dba0f4f0fc41c091499009a2676f89-Benevento,]; O'Connor, Darcy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=80eedae64ae54ed395e72f0cbb29da48-OConnor, Darcy]
CC: Randy Jefferies [rjefferies@utah.gov]; cbraceras@utah.gov; smarshall@utah.gov
Subject: RE: Utah - West Davis Corridor Information
Attachments: WDC EPA Update3-14-18.pdf

Hi Doug and Darcy,

As I mentioned below, I have been in touch with Carlos Braceras, the Director of Utah DOT, and Randy Jefferies of UDOT who is overseeing the West Davis Highway project. The attached document gives an overview of the issues they have run into with the Corps and EPA (most recently a December 2017 comment letter stating they are not meeting proper 404 guidelines). This is a great example of an infrastructure project that has been delayed despite years of consultation during the NEPA process and collaboration across state governments/ federal agencies. Additionally, the project funding has been appropriated and this has been an ongoing conversation for 8 years.

The Speaker of the House in Utah flagged this with Administrator Pruitt last week and I want to make sure we give it our full attention. I'd like to start by setting up a conference call for either tomorrow or early next week. Doug, please let me know a time that would suit your schedule.

Many thanks,
Preston Cory

K. Preston Cory
Director of Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

From: Benevento, Douglas
Sent: Wednesday, March 14, 2018 11:59 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>
Subject: RE: Utah - West Davis Corridor Information

Thanks Preston. I have not spoken with UDOT on this, I am familiar with the project. This came out of our NEPA group, I've looped in Darcy O'Connor the ARA for water, you can direct them to Darcy. Darcy, let's talk later today or tomorrow. Thanks

---

From: Cory, Preston (Katherine)
Sent: Wednesday, March 14, 2018 9:52 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: Utah - West Davis Corridor Information

Doug,

Have you spoken with UDOT on this issue? Have a call with them today and want to loop you in. Who is the appropriate water person in R8 to connect them with?

Thanks,
Preston

K. Preston Cory
Director of Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

From: Randy Jefferies [mailto:rjefferies@utah.gov]
Sent: Wednesday, March 14, 2018 10:54 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Carlos Braceras <cbraceras@utah.gov>
Subject: Utah - West Davis Corridor Information

Ms. Cory,

In preparation for today's phone call on the West Davis Corridor, Carlos asked me to send you the attached two-page summary. We look forward to our discussion.

Randy Jefferies
West Davis Corridor Project Manager

West Davis Corridor Update 3/14/18

Background:

- The EIS began in January 2010. We completed the Record of Decision in September 2017. The 150 day Statute of Limitations has expired with no lawsuits filed. Project estimate $610 million.
- UDOT worked very closely with the EPA, USFWS, and USACE through all stages of the EIS, taking time to ensure the EIS would also support the Corps' 404 wetland permitting process.
- In doing so, UDOT considered 51 alternatives and made adjustments to the alignment that would impact homes and productive cropland to avoid wetland and wildlife areas
- The final, 19 mile Preferred Alternative would impact 48 acres of wetlands
- UDOT collaborated with the agencies for two years on developing a $20 million, 1,100 acre environmental mitigation plan for which agency leadership expressed support

Status:

- UDOT applied for a 404 wetlands permit in July 2017 and is still working with the Corps, EPA, and other agencies on the permit approval
- UDOT is currently preparing responses to 48 pages of detailed comments by the Corps and EPA

Concerns:

- Bridging wetlands. Corps and EPA comments suggest that UDOT further consider bridging over wetlands areas. UDOT has considered bridging wetlands, but the cost was prohibitive ($3.5 million/acre) and UDOT has concerns about maintenance, salt, and icing of lengthy structures over wet areas. UDOT also believes that this expense, in order to avoid wetlands that would never see sunlight, is not reasonable or practicable. In their comments, the EPA disagrees: "*The costs associated with bridging have not been appropriately considered in accordance with the Section 404(b)(1) Guidelines...It is unclear if the costs cited in the WDC bridging analysis are outside of what would be reasonable in terms of industry norms.*"

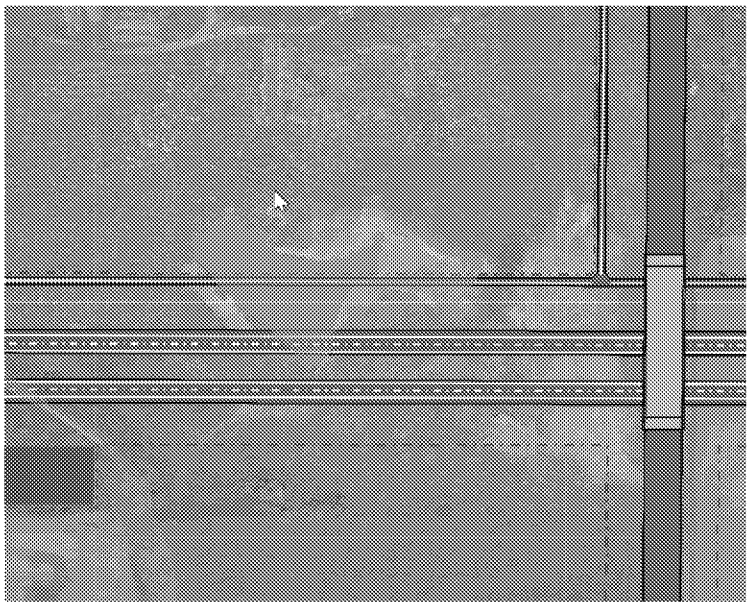
  The industry norm is to not build bridges in these situations unless no other options exist. This is due to the cost, maintenance, and safety issues noted above. The EPA comments suggest over 24 bridges at a total cost of $80 million to save 31 acres of shaded wetlands. Some bridges would be 4,100 feet long, the longest bridges ever built in Utah.

Example area. Two 700' long bridges. Wetlands shown in pink.

That EPA staff is serious about bridging wetlands is clear given the request that UDOT conduct an analysis of the impacts of road salt to wetland areas. They state: *"An analysis of potential additional salt loadings and the availability and capacity of stormwater best management practices to treat these loadings should be part of the overall assessment of bridge alternatives."* UDOT feels this is a costly, time consuming, and unnecessary effort.

- Violating UDOT Standards. The Corps and EPA comments suggest UDOT compromise its design standards to avoid wetland impacts. These include safety standards such as clear zones, median widths, and side slopes, as well as space requirements for drainage and maintenance. Corps comments, which were endorsed by EPA staff state: *"Based on the information you have submitted, it has not been demonstrated that carefully-targeted deviations from design standards is not feasible at specific discharge locations."* UDOT feels strongly that, especially for new highways, full highway standards should be met. Small changes to avoid small slivers of wetlands have little benefit versus the reduction in safety and functionality over the life of the highway facility.

  It is interesting to note that the agencies consider wetlands next to the highway as almost a complete loss and are requiring us to mitigate for them. If adjacent wetlands are damaged anyway, is it good practice to compromise standards to avoid them? UDOT does not believe so and has therefore assumed all wetlands within the right of way are impacted, and thus are accounted for in our mitigation plan.



Example area. Would require guardrail and steep side slopes to avoid wetlands.

UDOT feels it has gone above and beyond in avoiding, minimizing, and mitigating impacts to wetlands and wildlife. We made unprecedented efforts during the $16 million EIS to collaborate in patience and good faith in order to do the right thing for transportation and the environment. To be receiving these comments now, after almost 8 years of working together, is deeply concerning.

Message

From: Hoelscher, Douglas L. EOP/WHO [redacted] Ex. 6
Sent: 3/15/2018 3:04:49 PM
To: Groen, Stephanie [stephanie.groen@iowa.gov]; Pottebaum, Nicholas D. EOP/WHO [redacted] Ex. 6
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Rollins, Blake - OSEC, Washington, DC [Blake.Rollins@osec.usda.gov]; Jake Ketzner [jake.ketzner@iowa.gov]; Lyon, Kayla [kayla.lyon@iowa.gov]
Subject: RE: Letter from Govs to POTUS

Ok, thanks for relaying.

From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Thursday, March 15, 2018 10:57 AM
To: Hoelscher, Douglas L. EOP/WHO [redacted] Ex. 6 ; Pottebaum, Nicholas D. EOP/WHO [redacted] Ex. 6
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Rollins, Blake - OSEC, Washington, DC <Blake.Rollins@osec.usda.gov>; Jake Ketzner <jake.ketzner@iowa.gov>; Lyon, Kayla <kayla.lyon@iowa.gov>
Subject: Re: Letter from Govs to POTUS

All-

Kansas has decided to join and we now have six Governors. Sorry for any confusion this may cause. The updated letter from the Governors to the President is attached.

Best,
Stephanie

On Thu, Mar 15, 2018 at 10:33 AM, Groen, Stephanie <stephanie.groen@iowa.gov> wrote:

> Doug and Nic,
>
> Attached is a letter from five GOP Governors to the President reiterating their support for the RFS. Will you please make sure this gets to the right people?
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> Stephanie
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--

Stephanie Groen | Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Kim Reynolds and Lt. Gov. Adam Gregg

202.624.5479 | stephanie.groen@iowa.gov

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/8/2018 10:32:15 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
Subject: RE: Updated Event Location

For the Governor's meeting, it will be myself, Lincoln Ferguson and Sarah Greenwalt.

For the WOTUS meeting, it will be myself, Lincoln Ferguson, Sarah Greenwalt, Ken Wagner and Alex Dunn

---

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
Sent: Thursday, February 8, 2018 5:10 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Updated Event Location

Hey Tate,

Per our conversation:

The February 13th meeting will take place at the Governor's Residence, the Bridges House (21 Mountain Rd, Concord, NH 03301)

9:30-10:00 the Governor and the Administrator will meet to get to know each other and talk about environmental issues in New Hampshire (NPDES permitting and Lead)
10:00-10:30 WOTUS meeting between the Governor, Administrator, Gov's General Council (John Formella), Commissioner of Agriculture (Shawn Jasper), Commissioner Environmental Services (Bob Scott), Commissioner Natural and Cultural Resources (Jeff Rose)

How many people will be joining on the EPA side for the WOTUS meeting? I want to make sure the staff has enough places set for everyone.

I will reach out to arrange the advance team to tour the Bridges House.

Please let me know if you need any additional information.

Thanks,

Mac Zellem
Policy Adviser, Office of Governor Christopher T. Sununu
State of New Hampshire
Michael.Zellem@nh.gov | Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 3/7/2018 2:40:03 PM
To: egaddis@utah.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2348b9299f404ddc8b586f07cbcdd647-egaddis@uta]
Subject: Re: Pruitt Itinerary

Hey! Can you give me a shout when you receive this? Ex. 6

On Sep 20, 2017, at 2:44 PM, Erica Gaddis <egaddis@utah.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: Jennifer Pruitt <jenpruitt@utah.gov>
Date: September 20, 2017 at 12:37:44 PM MDT
To: Erica Gaddis <egaddis@utah.gov>
Subject: Re: Need a doc

Here you go. I think this is the one.

On Wed, Sep 20, 2017 at 12:32 PM, Erica Gaddis <egaddis@utah.gov> wrote:

Is there a PDf version w a later date?

Sent from my iPhone

On Sep 20, 2017, at 12:14 PM, Jennifer Pruitt <jenpruitt@utah.gov> wrote:

Erica,

Attached is the itinerary.

Let me know if you need anything else.

Thanks,

Jen

On Wed, Sep 20, 2017 at 11:01 AM, Erica Gaddis <egaddis@utah.gov> wrote:

Can you find the Pruitt visit agenda? It is in Walt's folder under Wp/EPA/WOTUS/Pruittvisit

Sent from my iPhone

--

Jen Pruitt | Support Staff Supervisor
Utah Division of Water Quality
Phone: Ex. 6
Address: 195 N 1950 W Salt Lake City, UT 84116

Website | Blog | Facebook | LinkedIn

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

<Draft Itinerary_PruittTour.docx>

--

Jen Pruitt | Support Staff Supervisor
Utah Division of Water Quality
Phone: Ex. 6
Address: 195 N 1950 W Salt Lake City, UT 84116

Website | Blog | Facebook | LinkedIn

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

<mime-attachment.html>

<Itinerary_PruittTour_wPhotos.pdf>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/27/2018 11:56:52 AM
To: michael.zellem@nh.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera3704b01]
CC: Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]; Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]
Subject: 1-pager on take back memo
Attachments: 1-pager on take back memo.docx; ATT00001.txt

Attached is the one-pager. I know Kelly has been in touch with your scheduling team.

Summary of Memo regarding Management of Household Pharmaceuticals Collected by Law Enforcement During Take-Back Events and Programs

Background

- Law enforcement offices across the country are working to combat the opioid crisis.
- One tool they are using is collecting unwanted drugs from households to keep them from being accessed for illicit purposes.
- Twice a year, the Drug Enforcement Administration (DEA) sponsors *National Prescription Drug Take Back days.* Since its inception in September 2010, DEA has collected a total of nearly 10 million pounds of unwanted drugs.
- We strongly encourage law enforcement to participate in the DEA National Prescription Drug Take Back days, because when they do, drugs are safely removed from households and ultimately destroyed in an environmentally protective manner while preserving local law enforcement resources.
- *Law enforcement may also choose to collect unwanted household drugs at other times*. EPA supports these efforts and wants to ensure that they are conducted in a manner that is protective of public health and the environment. This memorandum is directed at law enforcement agencies that choose to operate household drug collection programs outside of the DEA's *National Prescription Drug Take Back days.*
- EPA coordinated with DEA, Department of Transportation (DOT) and the U.S. Postal Service (USPS), to provide law enforcement agencies with specific information they can use on how best to manage household drugs collected in take-back programs, so that the public can benefit from these critical programs.

Major Points in the Guidance Memorandum

- The memorandum describes cost-effective options that comply with the EPA, DEA, and DOT or USPS regulations that law enforcement can use to transport collected household drugs to incinerators. In summary, this memorandum explains:
    - Cost-effective methods for shipping the collected household drugs to a DEA registered reverse distributor, rather than having law enforcement officials transport them to an incinerator.
    - Emissions from burning collected household drugs via open burning or in burn barrels (with or without fans), may pose serious health risks to law enforcement officers and members of the surrounding communities.
    - There are a number of additional types of solid or hazardous waste incineration units regulated under the Clean Air Act that can lawfully destroy collected household pharmaceuticals beyond those in EPA's previous recommendation.

Impact on law enforcement

- EPA expects law enforcement will be encouraged to learn:
    - That they are not required to have two police officers drive the collected pharmaceuticals to an incinerator
    - How cost effective it is for law enforcement to mail collected household pharmaceuticals to a DEA registered entity who will ensure this waste is combusted in an appropriate incinerator.
- Some law enforcement departments have already invested in burn barrels with fans and may not be pleased with our discouragement of that practice. However, law enforcement might be surprised to learn that burning collected household pharmaceuticals in barrels with fans may pose serious health risks to law enforcement officers and members of the surrounding community and is not an environmentally sound way to dispose of this waste.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/16/2018 10:48:40 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
BCC: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]; Trisha Sheehan [tsheehan@momscleanairforce.org]; Steve Moyer [Steve.Moyer@tu.org]; Zellem, Michael [Michael.Zellem@nh.gov]; Cassandra Carmichael [cassandra@nrpe.org]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: EPA Administrator Scott Pruitt Hosts Nation's Leaders to Discuss Efforts to Reduce Childhood Lead Exposure

Given your interest in this issue, we thought you might be interested in the below press release from yesterday. Have a nice weekend. -Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

EPA Administrator Scott Pruitt Hosts Nation's Leaders to Discuss Efforts to Reduce Childhood Lead Exposure

WASHINGTON (February 16, 2018) - Yesterday, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt hosted fellow Cabinet members and other key senior leaders to outline a federal strategy to reduce childhood lead exposure and associated health risks.

"Lead exposure poses a significant health threat to hundreds of thousands of American children," **said EPA Administrator Scott Pruitt.** "By refocusing Agency efforts, we can work with our government partners to develop solutions that address lead exposure and improve health outcomes for children."

Administrator Pruitt was joined by members or their designees of the *President's Task*

Force on Environmental Health Risks and Safety Risks to Children (Task Force), and other principals to collaborate on a clear direction in the development and implementation of a new *Federal Strategy to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts*. The Task Force is co-chaired by Administrator Pruitt and Health and Human Services (HHS) Secretary Alex Azar. Notable attendees included: Secretary of Housing and Urban Development (HUD) Ben Carson, Secretary of Labor Alexander Acosta, and HHS Deputy Secretary Eric Hargan.

"Reducing lead exposure for children and addressing the associated health impacts of exposure is a top priority at HHS, and across the Executive Branch," **said Health and Human Services Secretary Alex Azar** "We are fully committed to drafting a federal strategy to fight this continuing threat to infants and children."

"Children perform better at school and in life if they live in a healthy home," **said Housing and Urban Development Secretary Ben Carson**. "A healthy start at home translates to a successful life outside of the home. HUD is committed to working across Federal agencies and with local communities to eradicate lead poisoning to make sure our homes are safe and ensure positive outcomes for families and their kids."

"Far too many Americans are exposed to lead in their workplace," **said Labor Secretary Alexander Acosta**. "Finding solutions to better protect these workers and minimize the amount of lead that is taken home, and potentially exposed to their children, is a priority."

Administrator Pruitt opened the meeting with his vision for a collaborative multi-federal agency approach to reduce childhood lead exposure across the country and his plans to make it a priority for EPA's 2018 agenda. Following his remarks, each Task Force member or their designee shared how their respective agency can best contribute to the Task Force's goals on lead and how the issue can be best communicated to the public.

At the meeting, attendees agreed to:

- Make addressing childhood lead exposure a priority for Task Force departments and agencies;
- Five goals that frame the new *Federal Strategy to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts;*
- Set an aggressive, near-term timeline for the Task Force to complete its work to draft the strategy; and,
- Schedule a follow-up principals meeting or event to issue the federal strategy and discuss next steps.

Representatives from the following agencies or offices attended:

U.S. Department of Health and Human Services

U.S. Department of Housing and Urban Development

U.S. Department of Labor

U.S. Department of Agriculture

U.S. Department of Education

U.S. Department of Justice

U.S. Department of Homeland Security

U.S. Consumer Product Safety Commission

Office of Management and Budget

Office of Science and Technology Policy

Council on Economic Advisers

Council for Environmental Quality

Background on President's Task Force and the challenges of childhood lead exposure:

Since the 1970s, EPA and other federal agencies have spearheaded and implemented many actions resulting in a significant reduction of lead exposure throughout our country. However, lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to children, preventing them from reaching the fullest potential of their health, their intellect, and their future. No blood lead level is safe for children. The time is now to impact future generations. EPA and our federal partners are committed to collaborate to address this threat, and improve health outcomes for our nation's most vulnerable citizens - our children.

The *President's Task Force on Environmental Health Risks and Safety Risks to Children*, which was established in 1997 by Executive Order 13045, is well positioned to take a leading role to address this problem. In 2000, the Task Force issued its first national strategy to address the childhood lead exposure. That first strategy focused primarily on expanding efforts to correct lead paint hazards (especially in low income housing) and put forward recommendations aimed at eliminating childhood lead exposure in the United States as a major public health problem by the year 2010.

Now, however, tackling the problem at this stage requires a coordinated federal-wide effort that evaluates the predominant sources of lead and also includes improving identification and treatment of children identified as lead exposed. It requires a more robust and coordinated communication with parents and others regarding the risks and methods to reduce exposure and a collaborative multi-agency research plan. To this end, the Task Force has been working on a new draft federal strategy that seeks to identify opportunities, including the 58 federal programs currently working on the issue.

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/26/2018 10:51:10 PM
To: Dunn, Alexandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=426d0177eaab4001a5c85f051565997e-Dunn, Alexa]; Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Michael.Zellem@nh.gov
Subject: Fwd: 2018.01.24_Letter to EPA Administrator Pruitt
Attachments: 2018.01.24_Letter to EPA Administrator Pruitt.pdf; ATT00001.htm

Copying the gang! Thanks Mac!

Begin forwarded message:

> **From:** "Zellem, Michael" <Michael.Zellem@nh.gov>
> **Date:** January 26, 2018 at 4:25:47 PM EST
> **To:** "'Bennett.Tate@epa.gov'" <Bennett.Tate@epa.gov>
> **Subject: 2018.01.24_Letter to EPA Administrator Pruitt**
>
> Hey Tate,
>
> Here is a digital copy of the letter the Governor sent the Administrator the other day. Can you let me know who on Alex Dunn and Dave Ross' staff I should send this digital copy too? Again no action is needed from you guys, we're looking forward to the Administrators visit.
>
> I hope you have a great weekend!
>
> **Mac Zellem**
> Policy Adviser, Office of Governor Christopher T. Sununu
> State of New Hampshire
> Michael.Zellem@nh.gov | Ex. 6

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

January 24, 2018

Scott Pruitt, Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt,

I am writing regarding a meeting I recently had with the Great Bay Coalition, a group consisting of the cities of Rochester, Portsmouth and Dover, New Hampshire. I met with them at their request to discuss the tremendous effort the Coalition cities have made to reduce nutrient discharges from their respective wastewater treatment facilities (WWTF) and stormwater as well as their concerns and frustrations with EPA Region 1 permitting staff regarding the wastewater NPDES permits for these communities.

In the past, Region 1 has suggested that they intend to impose limits of technology in their NPDES wastewater permits for nutrients – that is, 3 mg/l for Total Nitrogen (TN) discharges. As I understand it, EPA has assumed that these low nutrient limits are necessary to restore eelgrass in the Great Bay Estuary (GBE). However, several national experts that have looked specifically at this issue have found that there is currently not enough information to make the determination that nitrogen is the primary factor in eelgrass degradation. More data and scientific study are needed to fully understand the state of the GBE.

The Coalition cities have voluntarily implemented significant nitrogen reductions to their wastewater discharges as part of an adaptive management strategy to test the estuary's response to the reductions before spending tens of millions of dollars to achieve further reductions. Rochester, for example, has taken steps to reduce total nitrogen (TN) discharges by more than 80% from historic levels, from averaging 40 mg/l or higher to below 10 mg/l and have achieved below 8 mg/l during summer months. Rochester has also seen impressive total phosphorus (TP) reductions of about 60% for the 2015 growing season compared with prior average levels. The City of Dover constructed an upgrade to its WWTF that came on-line in September 2015. Its TN effluent concentration has dropped from 23 mg/l to less than 8 mg/l during the growing season. The Towns of Newmarket, Durham, and Exeter have or are in the process of implementing TN reduction at their wastewater plants that discharge to the GBE. I understand that these and other load reductions have resulted in improvements to ambient TN levels in GBE approaching or even meeting those levels that may be fully protective of eelgrass populations.

The City of Portsmouth entered into a consent decree with EPA to upgrade its Pierce Island WWTF that includes an action level to operate to meet a seasonal 8 mg/l TN once its $92 million treatment system is fully operational in April 2020. In the meantime, Portsmouth has an immediate need to upgrade its second WWTF at the Pease International Tradeport in order to upgrade aging facilities and accommodate the significant growth of a major regional employer located at the Pease International Tradeport. That design and construction effort is hindered by EPA's potential requirements to meet a limit of technology permit for TN.

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

If EPA imposes these low nutrient limits at its WWTF, it will cost the City of Rochester more than $22 million for facility upgrades, plus a million dollars or more a year in operational costs. Those costs would double its sewer rates to residents and businesses. Large industrial users in the City may decide to relocate for cheaper costs, further increasing the rates for remaining residents and businesses. Dover and Portsmouth face similar concerns if forced to do further upgrades to their facilities to meet a 3 mg/l TN limit. Given the experts' acknowledged lack of data to support the need for additional nitrogen reduction, I can understand why these communities question the benefit of incurring these costs.

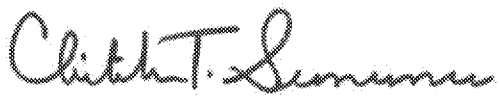
At a recent meeting, the Commissioner of the NH Department of Environmental Services, Bob Scott, stated that what was important was the water quality improvements to the environment, not from where the improvements come. Use of limit of technology standards for WWTFs where more environmentally beneficial solutions could be found through other venues at less cost is counterproductive and unnecessarily burdensome.

New Hampshire's communities have a long and proud history of protecting our precious natural resources, including our many lakes, rivers, and bays. The Coalition communities have demonstrated a willingness to take appropriate actions to improve water quality in the Great Bay Estuary, and those actions should be appropriately recognized.

I had previously reached out to your office to request that when a Regional Administrator for Region 1 was confirmed that they meet with our towns over this issue. I was happy to learn that newly confirmed Region 1 Administrator Dunn and Assistant Administrator Ross are coming to New Hampshire to meet with members of the Great Bay Coalition. This is an important issue for New Hampshire and I appreciate quick engagement with our communities.

I further invite you to visit New Hampshire, for a discussion focused on how we can find smart ways to protect our environment that doesn't shut down the economy. I believe we can develop a sensible and scientifically based approach that recognizes the tremendous progress these communities have made protects our environment and provides the resources to our communities so that they can continue with a sustainable and balanced approach to protecting the estuary.

Sincerely,



Christopher T. Sununu
Governor

CC EPA Region 1 Administrator Dunn
EPA Assistant Administrator Ross

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
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Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/8/2018 6:10:55 PM
To: Chrissy Harbin [CHarbin@afphq.org]
Subject: RE: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity

Hey! Thanks for sharing.

From: Chrissy Harbin [mailto:CHarbin@afphq.org]
Sent: Monday, January 8, 2018 12:10 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Fwd: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity

FYI below

Sent from my iPhone

Begin forwarded message:

> **From:** CHarbin@afphq.org
> **Date:** January 5, 2018 at 11:12:30 AM EST
> **To:** Paul.S.Teller[Ex. 6]
> **Subject: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity**
>
> Hi Paul -- Here's two statements of applause for yesterday's announcement, one from AFP and one from Freedom Partners. I will connect DOI with some of our state directors for future regional engagement, too. Happy new year! - C
>
> https://freedompartners.org/latest-news/interior-department-takes-positive-steps-advance-offshore-natural-resource-development-economic-growth-greater-prosperity/
>
> https://americansforprosperity.org/afp-praises-trump-administration-interior-secretary-zinke-advancing-offshore-natural-resource-development/
>
> # AFP Praises Trump Administration, Interior Secretary Zinke for Advancing

Offshore Natural Resource Development

Jan 5, 2018 by AFP

Arlington, Va. – Americans for Prosperity, the nation's leading grassroots advocate for economic freedom, praised Secretary of the Interior Ryan Zinke following Thursday's announcement that his department is taking steps to develop the National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program). The grassroots group welcomed the move as one that would lower energy costs for hardworking Americans and increase our nation's energy independence.

AFP has consistently advocated for policies that help keep energy costs low, often by removing barriers to domestic energy production. The National OCS Program proposes to make over 90 percent of the total OCS acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available to consider for future exploration and development.

AFP's Vice President of External Affairs Chrissy Harbin issued the following statement:

> *Thursday's announcement follows through on President Trump's promise to remove the barriers to domestic energy production that have stifled economic growth and job creation over the past decade. Responsibly developing these areas means more affordable domestic energy, more jobs, more opportunity and a stronger economy for hardworking Americans. We applaud the administration for taking the next steps to develop this energy resource and*

look forward to continuing working with them to roll back the Obama-era regulatory state.

For further information or an interview, reach Levi Russell at LRussell@afphq.org or (703) 853-4090.

Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit www.AmericansForProsperity.org

###

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 12/21/2017 10:09:34 PM
To: Millerick, Jayne [Jayne.Millerick@nh.gov]
Subject: Re: Potential visit to NH in Feb.

You too.

On Dec 21, 2017, at 5:02 PM, Millerick, Jayne <Jayne.Millerick@nh.gov> wrote:

> We will plan to call your cell phone at 10am. Look forward to speaking with you then. Have a good evening.
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Thursday, December 21, 2017 4:59 PM
> **To:** Millerick, Jayne
> **Cc:** Cory, Preston (Katherine); Zellem, Michael
> **Subject:** Re: Potential visit to NH in Feb.
>
> Great my cell is Ex. 6 or we can give you a shout. Either way works for me!
>
> On Dec 21, 2017, at 4:48 PM, Millerick, Jayne <Jayne.Millerick@nh.gov> wrote:
>
>> Let's please do 10am, thanks!
>>
>> ---
>>
>> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> **Sent:** Thursday, December 21, 2017 1:49 PM
>> **To:** Millerick, Jayne
>> **Cc:** Cory, Preston (Katherine); Zellem, Michael
>> **Subject:** RE: Potential visit to NH in Feb.
>>
>> I can do anytime between 10-11 Eastern. If that range doesn't work, I will make whatever time is best for you work on our end.
>>
>> ---
>>
>> **From:** Millerick, Jayne [mailto:Jayne.Millerick@nh.gov]
>> **Sent:** Thursday, December 21, 2017 12:36 PM
>> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Cc:** Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Zellem, Michael <Michael.Zellem@nh.gov>
>> **Subject:** RE: Potential visit to NH in Feb.
>>
>> Hi Tate – that's great news! Yes, happy to jump on a call. What times do you have available tomorrow morning please?
>>
>> ---
>>
>> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> **Sent:** Thursday, December 21, 2017 11:22 AM
>> **To:** Millerick, Jayne
>> **Cc:** Cory, Preston (Katherine)
>> **Subject:** Potential visit to NH in Feb.
>>
>> Hi Jayne-

I hope this finds you well. I was wondering if you (or someone on your team) might have time to discuss a potential visit by Administrator Pruitt to NH in early February (ideally Tuesday the 13th) in Concord with Governor Sununu. I know he'd love to discuss WOTUS, among other issues impacting your state. Is there a good time before the weekend to hop on the phone? Would love to gauge your team's interest and discuss further.

Best.

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/9/2018 5:14:46 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
Subject: Re: Potential visit to NH in Feb.

Might be closer to 4 if that's ok?

> On Jan 9, 2018, at 11:11 AM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:
>
> No worries at all! I am free between 1:30 and 4:00 today.
>
>> -----Original Message-----
>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> Sent: Tuesday, January 9, 2018 11:04 AM
>> To: Zellem, Michael
>> Subject: RE: Potential visit to NH in Feb.
>>
>> Is afternoon best? Sorry for the phone tag
>>
>> -----Original Message-----
>> From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
>> Sent: Tuesday, January 9, 2018 10:50 AM
>> To: Bennett, Tate <Bennett.Tate@epa.gov>
>> Subject: RE: Potential visit to NH in Feb.
>>
>> Hey Tate,
>>
>> Give me a call later today if you have a chance.
>>
>> Thanks,
>>
>> Mac
>>
>>> -----Original Message-----
>>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>>> Sent: Monday, January 8, 2018 12:58 PM
>>> To: Zellem, Michael
>>> Subject: Re: Potential visit to NH in Feb.
>>>
>>> I'll give you a shout then! Thanks!
>>>
>>>> On Jan 8, 2018, at 12:10 PM, Zellem, Michael <Michael.Zellem@nh.gov>
>>> wrote:
>>>>
>>>> Hey Tate,
>>>>
>>>> I left you a message earlier. I am in meetings until 2:00, but am
>>>> free after that. You can call my cell phone at Ex. 6
>>>>
>>>> Thanks,
>>>>
>>>> Mac
>>>>
>>>>> -----Original Message-----
>>>>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>>>>> Sent: Monday, January 8, 2018 9:50 AM
>>>>> To: Zellem, Michael
>>>>> Subject: RE: Potential visit to NH in Feb.
>>>>>
>>>>> Hey Mac-
>>>>>
>>>>> Happy Monday. Hope the below meeting works out on your all's end. I
>>>>> also wanted to see if you had time to discuss how to go about
>>>>> inviting folks to the lunch event/ logistics there. Let me know
>>>>> when you
>>> have a second?
>>>>> Alternatively, my cell is Ex. 6
>>>>>
>>>>> Tate
>>>>>

>>>>>
>>>>> -----Original Message-----
>>>>> From: Bennett, Tate
>>>>> Sent: Wednesday, January 3, 2018 11:16 AM
>>>>> To: 'Zellem, Michael' <Michael.Zellem@nh.gov>
>>>>> Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
>>>>> Subject: RE: Potential visit to NH in Feb.
>>>>>
>>>>> Hey Mac!
>>>>>
>>>>> I wanted to e-introduce you to Lee Forsgren (cc'd), a deputy and
>>>>> great asset in our Office of Water. Lee and our newly
>>>>> Senate-confirmed head of the Office of Water, Dave Ross, will be in
>>>>> New England in late January (sooner than the Feb visit!) and would
>>>>> be happy to meet with your Water Managers while they are in town re
>> MS4.
>>>>> Would the Governor's office like to facilitate this meeting? If so,
>>>>> Lee will
>>> be your best POC.
>>>>>
>>>>> We think this will be the best use of everyone's time as the agency
>>>>> and the Governor's office work together on various issues,
>>>>> including the Administrator's upcoming visit.
>>>>>
>>>>> Hang in there during session!
>>>>>
>>>>> Tate
>>>>>
>>>>>
>>>>> Elizabeth Tate Bennett
>>>>> Associate Administrator for Public Engagement & Environmental
>>>>> Education Office of the Administrator U.S. Environmental Protection
>>>>> Agency
>>>>> (202) 564-1460
>>>>> Bennett.Tate@epa.gov
>>>>> in the coming months.
>>>>>
>>>>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/10/2018 4:44:35 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
Subject: RE: Proposed names for Paper Industry Working Lunch

Thank you! What time(s) worked for our meeting with Gov. Sununu that AM, for our planning purposes and before I reach out to these folks? We'd like to be in Manchester by 11 or noon, if possible.

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
Sent: Wednesday, January 10, 2018 11:31 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Proposed names for Paper Industry Working Lunch

Hello Tate,

Please find a list of names that my offices think could be good people to invite to a meeting with the Administrator surrounding the Northeast Paper Industry at Central Paper Products. The Company recently was sold to Imperial Dade, but the old owners, the Kfoury family, are still in leadership and are supporters of Governor Sununu.

1. Brad Simpkins, Director NH Division of Forest and Lands: Brad.Simpkins@dncr.nh.gov
2. Jasen Stock, executive director for NH Timberland Owner's Association: jstock@nhtoa.org
3. Tom Colgan, President, Wagner Forest Mgmt: tcolgan@WagnerForest.com
4. Bob Berti, President, FORECO, North Country Procurement: Ex. 6
5. Ed Witt, Log Procurement Forester for Madison Lumber: ed.witt@madisonlm.com
6. Mike Powers, Chair of the Granite State Division of the Society of American Foresters: Ex. 6
7. Chris Goodnow, Chair of the NH Timber Harvesting Council: Ex. 6 Ex. 6
8. Ben Crowell, Durgin and Crowell Lumber: bcrowell@durginandcrowell.com
9. Richard Verney, CEO Monadnock Paper Mills: (Ex. 6
10. Hunter Carbee, Forester and policy director for Granite State Division of Society of American Foresters: hcarbee@metrocast.net
11. Jeremy Turner, managing forester, Meadowsend Timberlands: jgturner@mtlforest.com
12. Leo Maslan, Forester for Finch Papers: Ex. 6
13. Matt Lehey, Public Policy Manager, Society for the Protection of New Hampshire Forests: mleahy@forestsociety.org
14. Karen Bennett, UNH Cooperative Extension: karen.bennett@unh.edu
15. Tom Thompson, Tree Farmer: Ex. 6

We understand this is a long list and wanted to be as inclusive as possible. Feel free to widen it down as you see fit.

The Contact information for Central paper Products (Imperial Dade) and Matt Kfoury is, mKfoury@centralpaper.com Ex. 6

The Governor will not be able to make the paper products meeting in Manchester, but Brad Simpkins, our State Forester, will represent the state.

I will reach out to Lee Forsgren to arrange a meeting at the end of the month with the three towns who are having issues with their MS4 permits.

Thanks,

Mac Zellem
Policy Adviser, Office of Governor Christopher T. Sununu
State of New Hampshire
Michael.Zellem@nh.gov | Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/9/2018 3:40:24 PM
To: McCombs, Morgan [mmccombs@georgia.gov]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
CC: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]
Subject: RE: Atlanta Visit

Great! Adding Brandi so she can help coordinate the meeting, should the Gov. be available, as well.

From: McCombs, Morgan [mailto:mmccombs@georgia.gov]
Sent: Tuesday, January 9, 2018 10:25 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Atlanta Visit

Hi Preston,

Great speaking with you this morning and thank you for the follow up – I'll get you an update by COB today.

Thanks,

-Morgan

Morgan McCombs
Director of Scheduling
Office of Governor Nathan Deal
Ex. 6 office
404-463-5269 fax

From: Cory, Preston (Katherine) [mailto:Cory.Preston@epa.gov]
Sent: Tuesday, January 9, 2018 10:13 AM
To: McCombs, Morgan <mmccombs@georgia.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Atlanta Visit

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Early afternoon would be best actually.

From: Cory, Preston (Katherine)
Sent: Tuesday, January 9, 2018 10:11 AM
To: 'MMCCOMBS@georgia.gov' <MMCCOMBS@georgia.gov>

Cc: Tate Bennett <bennett.tate@epa.gov>
Subject: Atlanta Visit

Hi Morgan,

Thanks for taking our call this morning! As we mentioned, Administrator Pruitt will be in Georgia on Friday, January 19th. If possible, we'd like to set up a meeting with the Governor during the day to discuss regulatory reform, particularly Waters of the U.S.

If you could let us know about his availability, we are flexible and happy to come meet him at the Capitol or wherever works. My cell is listed below if you want to chat further.

Thanks and Go Dawgs (next year!),
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 11/30/2017 11:48:46 PM
To: john.horne@kentucky.gov

Nice seeing you today. Ex. 6
Ex. 6

Sent from my iPad

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 12/28/2017 1:32:23 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
CC: Millerick, Jayne [Jayne.Millerick@nh.gov]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Re: Potential visit to NH in Feb.

Great. Thanks. Likewise!

> On Dec 27, 2017, at 8:17 PM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:
>
> Hey Tate,
>
> you can call me on my cell: Ex. 6
>
> Looking forward to talking.
>
> Mac
>
>
> Mac Zellem
> Policy Adviser, Office of Governor Christopher T. Sununu
> State of New Hampshire
> Michael.Zellem@nh.gov | Ex. 6
>
> From: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
> Date: Wednesday, Dec 27, 2017, 18:59
> To: Zellem, Michael <Michael.Zellem@nh.gov<mailto:Michael.Zellem@nh.gov>>
> Cc: Millerick, Jayne <Jayne.Millerick@nh.gov<mailto:Jayne.Millerick@nh.gov>>, Cory, Preston (Katherine) <Cory.Preston@epa.gov<mailto:Cory.Preston@epa.gov>>
> Subject: Re: Potential visit to NH in Feb.
>
> 3 pm tomorrow should be great. Is there a good number where you can be reached?
>
> On Dec 27, 2017, at 4:43 PM, Zellem, Michael <Michael.Zellem@nh.gov<mailto:Michael.Zellem@nh.gov>> wrote:
>
> Hey Tate,
>
> Would 3:00 tomorrow or 11:00 on Friday work for a phone call?
>
> Thanks,
>
> Mac
>
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Wednesday, December 27, 2017 1:14 PM
> To: Millerick, Jayne
> Cc: Cory, Preston (Katherine); Zellem, Michael
> Subject: Re: Potential visit to NH in Feb.
>
> Hi there! Is there a good time to check in tomorrow- Friday? Looking forward to the visit!
>
> On Dec 21, 2017, at 5:02 PM, Millerick, Jayne <Jayne.Millerick@nh.gov<mailto:Jayne.Millerick@nh.gov>> wrote:
> We will plan to call your cell phone at 10am. Look forward to speaking with you then. Have a good evening.
>
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Thursday, December 21, 2017 4:59 PM
> To: Millerick, Jayne
> Cc: Cory, Preston (Katherine); Zellem, Michael
> Subject: Re: Potential visit to NH in Feb.
>
> Great my cell is Ex. 6 or we can give you a shout. Either way works for me!
>
> On Dec 21, 2017, at 4:48 PM, Millerick, Jayne <Jayne.Millerick@nh.gov<mailto:Jayne.Millerick@nh.gov>> wrote:
> Let's please do 10am, thanks!

>
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Thursday, December 21, 2017 1:49 PM
> To: Millerick, Jayne
> Cc: Cory, Preston (Katherine); Zellem, Michael
> Subject: RE: Potential visit to NH in Feb.
>
> I can do anytime between 10-11 Eastern. If that range doesn't work, I will make whatever time is best for you work on our end.
>
> From: Millerick, Jayne [mailto:Jayne.Millerick@nh.gov]
> Sent: Thursday, December 21, 2017 12:36 PM
> To: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
> Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov<mailto:Cory.Preston@epa.gov>>; Zellem, Michael <Michael.Zellem@nh.gov<mailto:Michael.Zellem@nh.gov>>
> Subject: RE: Potential visit to NH in Feb.
>
> Hi Tate – that's great news! Yes, happy to jump on a call. What times do you have available tomorrow morning please?
>
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Thursday, December 21, 2017 11:22 AM
> To: Millerick, Jayne
> Cc: Cory, Preston (Katherine)
> Subject: Potential visit to NH in Feb.
>
> Hi Jayne-
>
> I hope this finds you well. I was wondering if you (or someone on your team) might have time to discuss a potential visit by Administrator Pruitt to NH in early February (ideally Tuesday the 13th) in Concord with Governor Sununu. I know he'd love to discuss WOTUS, among other issues impacting your state. Is there a good time before the weekend to hop on the phone? Would love to gauge your team's interest and discuss further.
> Best.
>
> Tate
>
>
> Elizabeth Tate Bennett
> Associate Administrator for Public Engagement & Environmental Education
> Office of the Administrator
> U.S. Environmental Protection Agency
> (202) 564-1460
> Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>
>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/12/2018 7:02:02 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
Subject: Re: Proposed names for Paper Industry Working Lunch

Thank you!

On Jan 12, 2018, at 2:01 PM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:

> Hey Tate,
>
> We will be meeting in Concord from 9:00 – 10:00 on February 13th.
>
> The first meeting will be 9:00-9:30 a private meeting with the Governor, and then 9:30-10:00 will be with the Governor; the Governor's General Council, who handles WOUS; and the Commissioners of Agriculture, Environmental Services, and Natural and Cultural Resources
>
> We are excited to have the Administrator in New Hampshire!
>
> Let me know if you need any additional information.
>
> Thanks,
>
> Mac

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, January 10, 2018 11:45 AM
To: Zellem, Michael
Subject: RE: Proposed names for Paper Industry Working Lunch

Also, I appreciate the effort you took in putting this together.

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
Sent: Wednesday, January 10, 2018 11:31 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Proposed names for Paper Industry Working Lunch

Hello Tate,

Please find a list of names that my offices think could be good people to invite to a meeting with the Administrator surrounding the Northeast Paper Industry at Central Paper Products. The Company recently was sold to Imperial Dade, but the old owners, the Kfoury family, are still in leadership and are supporters of Governor Sununu.

1. Brad Simpkins, Director NH Division of Forest and Lands: Brad.Simpkins@dncr.nh.gov
2. Jasen Stock, executive director for NH Timberland Owner's Association: jstock@nhtoa.org
3. Tom Colgan, President, Wagner Forest Mgmt: tcolgan@WagnerForest.com
4. Bob Berti, President, FORECO, North Country Procurement: Ex. 6
5. Ed Witt, Log Procurement Forester for Madison Lumber: ed.witt@madisonlm.com

6. Mike Powers, Chair of the Granite State Division of the Society of American Foresters: Ex. 6
7. Chris Goodnow, Chair of the NH Timber Harvesting Council: Ex. 6 Ex. 6
8. Ben Crowell, Durgin and Crowell Lumber: bcrowell@durginandcrowell.com
9. Richard Verney, CEO Monadnock Paper Mills: Ex. 6
10. Hunter Carbee, Forester and policy director for Granite State Division of Society of American Foresters: hcarbee@metrocast.net
11. Jeremy Turner, managing forester, Meadowsend Timberlands: jgturner@mtlforest.com
12. Leo Maslan, Forester for Finch Papers: Ex. 6
13. Matt Lehey, Public Policy Manager, Society for the Protection of New Hampshire Forests: mleahy@forestsociety.org
14. Karen Bennett, UNH Cooperative Extension: karen.bennett@unh.edu
15. Tom Thompson, Tree Farmer: Ex. 6

We understand this is a long list and wanted to be as inclusive as possible. Feel free to widen it down as you see fit.

The Contact information for Central paper Products (Imperial Dade) and Matt Kfoury is, mKfoury@centralpaper.com Ex. 6

The Governor will not be able to make the paper products meeting in Manchester, but Brad Simpkins, our State Forester, will represent the state.

I will reach out to Lee Forsgren to arrange a meeting at the end of the month with the three towns who are having issues with their MS4 permits.

Thanks,

Mac Zellem
Policy Adviser, Office of Governor Christopher T. Sununu
State of New Hampshire
Michael.Zellem@nh.gov | Ex. 6

Message

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Sent: 1/9/2018 9:49:28 PM
To: McCombs, Morgan [mmccombs@georgia.gov]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]
Subject: Re: Atlanta Visit

Thanks! Keep us posted!

On Jan 9, 2018, at 4:33 PM, McCombs, Morgan <mmccombs@georgia.gov> wrote:

I apologize, but our meeting has been moved to tomorrow- I will have an update by tomorrow afternoon.

I also made note that afternoon on the 19th would be the preferred option.

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, January 9, 2018 10:40 AM
To: McCombs, Morgan <mmccombs@georgia.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Atlanta Visit

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Great! Adding Brandi so she can help coordinate the meeting, should the Gov. be available, as well.

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Subject: RE: Atlanta Visit

Hi Preston,

Great speaking with you this morning and thank you for the follow up -- I'll get you an update by COB today.

Thanks,

-Morgan

Morgan McCombs
Director of Scheduling

Office of Governor Nathan Deal
Ex. 6 office
404-463-5269 fax

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If you could let us know about his availability, we are flexible and happy to come meet him at the Capitol or wherever works. My cell is listed below if you want to chat further.

Thanks and Go Dawgs (next year!),
Preston Cory

K. Preston Cory
Special Advisor
Office of the Administrator, Congressional and Intergovernmental Relations
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Sent: 1/17/2018 5:50:28 PM
To: Zellem, Michael [Michael.Zellem@nh.gov]
CC: Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]
Subject: RE: Proposed names for Paper Industry Working Lunch

In case we can't reach Matt, is there a secondary option in Manchester where we could host such a meeting? Sorry to be a pain! Wasn't sure if any of the associations are based in Manchester.

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
Sent: Wednesday, January 17, 2018 11:16 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>
Subject: RE: Proposed names for Paper Industry Working Lunch

Hello Tate,

Matt's cell number is **Ex. 6**

Thanks,

Mac

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, January 17, 2018 8:26 AM
To: Zellem, Michael
Cc: Gordon, Stephen
Subject: Re: Proposed names for Paper Industry Working Lunch

Hey! Do you have another number for Matt with Central Paper? Having a hard time getting ahold of him.

On Jan 12, 2018, at 2:01 PM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:

> Hey Tate,
>
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> The first meeting will be 9:00-9:30 a private meeting with the Governor, and then 9:30-10:00 will be with the Governor; the Governor's General Council, who handles WOUS; and the Commissioners of Agriculture, Environmental Services, and Natural and Cultural Resources
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> We are excited to have the Administrator in New Hampshire!
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> Let me know if you need any additional information.
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> Thanks,
>
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4. Bob Berti, President, FORECO, North Country Procurement: Ex. 6
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Subject: RE: Proposed names for Paper Industry Working Lunch

Jackpot! Thanks. Stephen will give that number a try!

From: Zellem, Michael [mailto:Michael.Zellem@nh.gov]
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To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>
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3. Tom Colgan, President, Wagner Forest Mgmt: tcolgan@WagnerForest.com
4. Bob Berti, President, FORECO, North Country Procurement: Ex. 6
5. Ed Witt, Log Procurement Forester for Madison Lumber: ed.witt@madisonlm.com
6. Mike Powers, Chair of the Granite State Division of the Society of American Foresters: Ex. 6
7. Chris Goodnow, Chair of the NH Timber Harvesting Council: Ex. 6 Ex. 6
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9. Richard Verney, CEO Monadnock Paper Mills: Ex. 6
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12. Leo Maslan, Forester for Finch Papers: Ex. 6
13. Matt Lehey, Public Policy Manager, Society for the Protection of New Hampshire Forests: mleahy@forestsociety.org
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Thanks,

Mac Zellem
Policy Adviser, Office of Governor Christopher T. Sununu
State of New Hampshire
Michael.Zellem@nh.gov| Ex. 6

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Sent: 8/13/2018 9:38:54 PM
To: michael.zellem@nh.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera3704b01]
Subject: Re: Question on Tick and Mosquito Repellent Regulations

Perfect! Rick is your guy

On Aug 13, 2018, at 4:30 PM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:

> Hey Tate,
>
> Thanks for the quick response. Preston Cory reached out, and I am going to get him and Rich Keigwin synched up with our team working on this issue.
>
> I hope things are going well and you have found time to get home to Kentucky!
>
> Thanks,
>
> Mac

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 10, 2018 4:23 PM
To: Zellem, Michael
Cc: Cory, Preston (Katherine); Bolen, Derrick
Subject: Re: Question on Tick and Mosquito Repellent Regulations

Hey there. Roping in Preston with Intergov and Derrick with OPP. They can work with the pesticide folks to get you what you need. Hope all is well. -Tate

On Aug 10, 2018, at 4:03 PM, Zellem, Michael <Michael.Zellem@nh.gov> wrote:

> Hey Tate,
>
> What office in the EPA overseas Tick and Mosquito Repellent Regulations? The Governor is very concerned about the proliferation of Lymm disease and we are preparing an initiative around combating it.
>
> I hope you have a great weekend!
>
> Thanks,
>
> **Mac Zellem**
> Budget Director
> Office of Governor Christopher T. Sununu
> State of New Hampshire
> Michael.Zellem@nh.gov | **Ex. 6**

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/11/2018 11:12:46 PM
To: Mercer, Paul [Paul.Mercer@maine.gov]
Subject: Re: Connecting you both for the 25th so you can do some event brainstorming

Thanks for your patience

On Jul 11, 2018, at 7:11 PM, Mercer, Paul <Paul.Mercer@maine.gov> wrote:

> Tate,
> Whatever works for the Administrator we will make work here.
> We look forward to the visit.
>
> Paul
>
> ---
>
> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Sent:** Wednesday, July 11, 2018 7:06:19 PM
> **To:** Mercer, Paul
> **Subject:** Re: Connecting you both for the 25th so you can do some event brainstorming
>
> Not ignoring you! Need to move to the week of August 20 now if that's ok?
>
> On Jul 11, 2018, at 10:17 AM, Mercer, Paul <Paul.Mercer@maine.gov> wrote:
>
> > Good morning Tate,
> > I am in meetings this morning and will contact you ASAP.
> >
> > Paul
> >
> > ---
> >
> > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > **Sent:** Wednesday, July 11, 2018 5:48 AM
> > **To:** Dunn, Alexandra <dunn.alexandra@epa.gov>
> > **Cc:** Mercer, Paul <Paul.Mercer@maine.gov>
> > **Subject:** Re: Connecting you both for the 25th so you can do some event brainstorming
> >
> > Thank you! Commissioner- is there a good time to give you a shout this morning? Will gladly work around your schedule.
> >
> > On Jul 11, 2018, at 5:16 AM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:
> >
> > Tate is at Ex. 6 mobile
> >
> > Paul is at Ex. 6 mobile
> >
> > *Sent from my iPhone*

Alexandra Dapolito Dunn, J.D.
Regional Administrator
Region 1 New England
Ex. 6

This email is for official EPA business only and may be subject to disclosure under the Freedom of information Act

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/16/2017 10:07:32 PM
To: Mike Thompson [mthompson@CRCPublicRelations.com]
Subject: Re: WHITE HOUSE INVITATION FOR OCTOBER 17 : Policy Briefing with EPA Administrator Pruitt

Great

On Oct 16, 2017, at 5:39 PM, Mike Thompson <mthompson@CRCPublicRelations.com> wrote:

I will be there. Just registered.

On Oct 16, 2017, at 16:18, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Can you guys attend yourselves? Just RSVP at the link below!

Tuesday, October 17th
2:15pm - 3:00pm
Room 472 of the Eisenhower Executive Office Building at the White House

Ex. 6

Ex. 6

Please note that this invitation is for you specifically. Please do not forward it to anyone.

Thank you, and see you soon!

Paul Teller
Special Assistant to the President for Legislative Affairs
The White House

Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/30/2017 1:52:42 PM
To: Megan Swanson [mswanson@ecos.org]
CC: Todd Parfitt [todd.parfitt@wyo.gov]; Alexandra Dunn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userfa6cd8fb]; Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]
Subject: RE: RSVP for Tuesday, October 31 Announcement

Wonderful! We look forward to seeing them!

From: Megan Swanson [mailto:mswanson@ecos.org]
Sent: Monday, October 30, 2017 9:48 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Todd Parfitt <todd.parfitt@wyo.gov>; Alexandra Dunn <adunn@ecos.org>
Subject: RSVP for Tuesday, October 31 Announcement

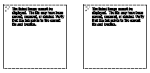
Good morning Tate,

I would like to RSVP Alex Dunn and Todd Parfitt for Administrator Pruitt's announcement tomorrow.

Thank you,
Megan

Megan Swanson
Administrative & Project Assistant
Environmental Council of the States
50 F Street, NW, Suite 350
Washington, DC 20001

Ex. 6



Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/20/2017 6:36:14 PM
To: Matt Miltenberger [matt.miltenberger@nebraska.gov]
Subject: Fwd: photos from Lincoln, NE

See links below.

Begin forwarded message:

> **From:** "Vance, Eric" <Vance.Eric@epa.gov>
> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Wade, James" <Wade.James@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>
> **Cc:** "Ryan, Jini" <Ryan.Jini@epa.gov>, "Slotkin, Ron" <slotkin.ron@epa.gov>
> **Subject: Re: photos from Lincoln, NE**
>
> Photos of round table are up now.
>
> Eric Vance
> Chief Photographer, USEPA
> Office of the Administrator, Office of Multimedia
> WJC North, room 6330k
> 202.564.2655 office
> Ex. 6 mobile
>
> ***
> Link to Office of Multimedia photo galleries, accessible from within EPA's network.
>
> Ex. 6
>
> ***
>
> _____
> From: Vance, Eric
> Sent: Friday, October 20, 2017 11:25:24 AM
> To: Bennett, Tate; Abboud, Michael; Wade, James; Gordon, Stephen
> Cc: Ryan, Jini; Slotkin, Ron
> Subject: photos from Lincoln, NE
>
> Hi Folks,
>
> Cabinet meeting with Governor pics here...
>
> https://www.flickr.com/gp/usepagov/0P27z7

More going in the album as I have them.

Eric Vance
Chief Photographer, USEPA
Office of the Administrator, Office of Multimedia
WJC North, room 6330k
202.564.2655 office
Ex. 6 mobile

***
Link to Office of Multimedia photo galleries, accessible from within EPA's network.

Ex. 6

***

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/4/2017 1:08:05 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Subject: Re: Reschedule date

Is there a way to avoid that small protest this go?

On Oct 4, 2017, at 9:06 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Sounds good.
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, October 4, 2017 8:03 AM
> **To:** Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> **Subject:** Re: Reschedule date
>
> Yes. Good on our end. Touch base next week?
>
> On Oct 4, 2017, at 9:00 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> > Tate-
> >
> > Just wanted to confirm that you all are good with using the same agenda/time schedule from the earlier date?
> >
> > Thanks
> >
> > Matt
> >
> > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > **Sent:** Thursday, September 7, 2017 2:58 PM
> > **To:** Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> > **Cc:** Allan, Kristin <kristin.allan@nebraska.gov>
> > **Subject:** RE: Reschedule date
> >
> > Awesome! Let's touch base soon when you get a moment. We are confirmed on our end.
> >
> > **From:** Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
> > **Sent:** Wednesday, September 6, 2017 1:18 PM
> > **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> > **Cc:** Allan, Kristin <kristin.allan@nebraska.gov>
> > **Subject:** RE: Reschedule date
> >
> > Tate-
> >
> > Oct 20th should work. The Governor has an event that evening but is open during the day.

Matt

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, September 6, 2017 10:55 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: Reschedule date

Thoughts on Friday, October 20?

Elizabeth Tate Bennett
Associate Administrator for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/18/2017 5:50:51 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
Subject: RE: NE POC

6 people!

-----Original Message-----
From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Wednesday, October 18, 2017 12:22 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: RE: NE POC

Tate-

What's the total count traveling with you all Friday? Want to make sure we get the ride lunch count

Matt

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, October 18, 2017 10:39 AM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: NE POC

Copying Matt

-----Original Message-----
From: McMurray, Forrest
Sent: Wednesday, October 18, 2017 11:37 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: NE POC

Hey Tate. Can you forward me the Nebraska POC ?

Forrest McMurray
Scheduling and Advance
U.S Environmental Protection Agency
Office: 202-564-6308
Cell: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/16/2017 1:02:08 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
BCC: Keith Appell [kappell@CRCPublicRelations.com]; Mike Thompson [mthompson@CRCPublicRelations.com]; Paul.S.Teller@[redacted] Ex. 6
Subject: Embargoed until 11:30 AM Today now
Attachments: 2017-10-16 UPDATED Draft News Release re Sue and Settle-BB.docx; ATT00001.txt

Revised press release attached. I'll let you know once everything is signed re internal memo.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/20/2017 2:47:30 PM
To: Matt Miltenberger [matt.miltenberger@nebraska.gov]
Subject: Fwd: FOR APPROVAL_Administrator Pruitt Visits Nebraska
Attachments: DRAFT_Administrator Pruitt Visits Nebraska.docx; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: "Hewitt, James" <hewitt.james@epa.gov>
Date: October 20, 2017 at 10:31:40 AM EDT
To: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: FOR APPROVAL_Administrator Pruitt Visits Nebraska

Administrator Pruitt Visits Nebraska

OMAHA (October 20, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Lincoln, Nebraska to meet with Governor Pete Ricketts, state officials, and agriculture stakeholders to discuss the Agency's proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"As I've traveled across the country, countless farmers and ranchers have expressed their concerns over the 2015 WOTUS rule," **said Administration Pruitt.** "By beginning the process to rescind this rule, we are working with our state partners like Governor Ricketts to ensure traditional powers are returned to the states and helping ensure regulatory certainty for our country's agriculture stakeholders."

Ricketts Quote

Administrator Pruitt began his trip meeting with Governor Ricketts and members of his cabinet to discuss the Agency's agenda moving forward. Attendees included Nebraska Lt. Governor Mike Foley, Nebraska Department of Agriculture Director Greg Ibach, Director of the Nebraska Department of Economic Development Courtney Dentlinger, Director of the Nebraska Energy Office David Bracht, Department of Environmental Quality Director Jim Macy, Department of Natural Resources Director Jeff Fassett, Department of Transportation Director Kyle Schneweis, Governor Rickett's Chief of Staff Matt Miltenberger, and Governor Rickett's Policy Research Advisor Lauren Kintner.

Following the Nebraska Cabinet meeting, Administrator Pruitt and Governor Ricketts hosted a roundtable discussion with the Common Sense Nebraska Coalition to discuss ways the Agency can provide sensible regulations for waterways while also protecting agriculture stakeholders.

After the roundtable, Administrator Pruitt departed to Omaha, Nebraska where he met with officials from Union Pacific to discuss the importance of EPA's back-to-basics agenda and how the Agency can work with the transportation sector to provide regulatory certainty.

Administrator Pruitt Visits Nebraska

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DRAFT

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/3/2017 1:54:21 PM
To: lebachmeier@nd.gov
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Inside front door of EPA
Attachments: IMG_0263.JPG; ATT00001.txt

SMART SECTORS
A PROGRAM OF U.S. EPA
#EPASmartSectors
✓ Meaningful collaboration with regulated sectors
✓ Sensible policies to improve environmental outcomes
✓ Better EPA practices and streamlined operations
www.epa.gov/smartsectors

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/23/2017 2:12:14 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
CC: Stephen M. Smith [Stephen.M.Smith@tn.gov]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]
Subject: Re: Touching base

Copying Millan for the info she's looking for...

On Oct 20, 2017, at 1:38 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Hey, Tate! Here's the information for Monday:
>
> The meeting will take place in the Governor's Conference Room on the first floor of the Capitol (600 Charlotte Ave, Nashville, TN).
>
> Attendees:
>
> - <!--[if !supportLists]--><!--[endif]-->Governor Haslam
> - <!--[if !supportLists]--><!--[endif]-->Commissioner Bob Martineau, Department of Environment & Conservation
> - <!--[if !supportLists]--><!--[endif]-->Commissioner Jai Templeton, Department of Agriculture
> - <!--[if !supportLists]--><!--[endif]-->Stephen Smith, Senior Advisor to the Governor for Policy
>
> Topics:
>
> - <!--[if !supportLists]--><!--[endif]-->WOTUS
> - Oak ridge cleanup
> - Custom cleaners superfund site
> - Efforts to reform superfund and brown fields funding
> - Funding for water and wastewater infrastructure especially in rural communities
> - EPA grants to states to implement core environmental programs
>
> Do you mind to send me the titles for your attendees?
>
> Thanks!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, October 20, 2017 9:04 AM
> **To:** Catherine Cromer
> **Subject:** Re: Touching base
>
> Good morning! I just wanted to see if you had an updated attendee list and list of topics the Governor may want to discuss for next week's meeting. Let me know and hope all is well. Tate
>
> Sent from my iPad
>
> On Oct 17, 2017, at 4:12 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
>> Sorry I missed you! Do you all have an agenda set for the time?
>>
>> On Oct 17, 2017, at 4:11 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey there! Just gave you a shout, but was really just looking for a list of attendees from the Governor's office for next Monday? He is welcome to bring his environmental cabinent/ ag folks with him. Let me know!

On our end, it will be myself, Sarah Greenwalt, Lincoln Ferguson and Troy Lyons

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/19/2017 6:55:26 PM
To: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]
CC: Tim Phillips [TPhillips@afphq.org]
Subject: Re: Timothy Phillips Contact Info

This sounds great. Tim- I'd be happy to connect next week. Keep us posted and thanks for your time earlier this week. -Tate

On Oct 19, 2017, at 1:52 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Tim,

Enjoyed our conversation! As I promised, I wanted to introduce you via email to Tate Bennett, our Associate Administrator for Public Engagement. As I mentioned, she was one of the staff with Administrator Pruitt at last week's Sue & Settle Roundtable at the White House. She does amazing work connecting with coalitions and Agency stakeholders to further the Administration's message and keep groups informed of what we're doing. We are very appreciative of your offer for AFP to help in whatever way you can.

I'll have Tate reach out to you via email or on your cell below by next week to discuss further.

As you gather information regarding upcoming AFP events, let us know if there is an opportunity for the Administrator to address your group. He was very excited about the possibility.

Thanks and enjoy the rest of your trip in Cali!

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Ex. 6

From: Ford, Hayley
Sent: Wednesday, October 18, 2017 4:38 PM
To: 'Tim Phillips' <TPhillips@afphq.org>
Subject: RE: Timothy Phillips Contact Info

Just gave you a rang. Sorry, the morning got away from me! My cell is Ex. 6 whenever you're free.

Thanks!

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Ex. 6

From: Tim Phillips [mailto:TPhillips@afphq.org]
Sent: Tuesday, October 17, 2017 5:17 PM
To: Teller, Paul S. EOP/WHO Ex. 6
Cc: Ford, Hayley <ford.hayley@epa.gov>
Subject: Re: Timothy Phillips Contact Info

Thanks Paul. Ford, let's talk in the morning. My cell is Ex. 6

Sent from my iPhone

On Oct 17, 2017, at 3:32 PM, Teller, Paul S. EOP/WHO Ex. 6 wrote:

> Cc'ed right here!
>
> **Paul Teller**
> *Special Assistant to the President for Legislative Affairs*
> The White House
> Ex. 6
>
> **From:** Ford, Hayley [mailto:ford.hayley@epa.gov]
> **Sent:** Tuesday, October 17, 2017 3:17 PM
> **To:** Teller, Paul S. EOP/WHO Ex. 6
> **Subject:** Timothy Phillips Contact Info
>
> Hey Paul!
>
> Hope the event went well! I just spoke with the Administrator and was hoping you could send me Timothy Phillips's contact info. He would like me to reach out to him to follow up on something.
>
> Thank you and so appreciate you organizing on short notice!
>
> *Hayley Ford*
> Deputy White House Liaison
> Office of the Administrator
> Environmental Protection Agency
> Room: 3309C William Jefferson Clinton North
> ford.hayley@epa.gov
> Phone: 202-564-2022
> Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/2/2017 2:05:54 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: RE: Bateman Ag POC?

Thank you, Sir!

From: Bachmeier, Levi [mailto:lebachmeier@nd.gov]
Sent: Monday, October 2, 2017 10:03 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Bateman Ag POC?

You bet! I'd recommend email first.

4b8man@invisimax.com
Ex. 6

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Sunday, October 1, 2017 7:32 PM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Bateman Ag POC?

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hey Levi!

Hope this finds you well and sorry to bother on a Sunday night. Easy question for you though! —

I'm working on an informal survey on dicamba for the Administrator where I interview farmers in various states. The Batemans immediately came to mind for ND. Do you have the name/ cell phone/ email address for the Batemans? We sent them a thank you note to their snail mail (I got that on site), but I didn't get their cell numbers.

Thanks in advance for any help with this!

Tate

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/15/2017 6:08:29 PM
To: Kathy Whitehead [kwhitehead@utah.gov]
CC: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]
Subject: Re: Nationals Game - September 28th - New Request

Hi there! Roping in Hayley who will take it from here. Thanks! -Tate

Sent from my iPad

On Sep 15, 2017, at 1:05 PM, Kathy Whitehead <kwhitehead@utah.gov> wrote:

> Good afternoon, Tate,{"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}
>
> Our security team is hoping to have the final names of those attending the Nationals Game on Thursday, September 28th, with Administrator Pruitt and Governor Herbert today.
>
> Were you able to confirm whether Mrs. Pruitt will join them at the game? Or will it just be Mr. Pruitt and Mr. Ferguson?
>
> Also, you requested that I let you know the cost for the tickets. Each ticket has a $90 face value.
>
> Hope to hear from you soon!
> Thanks!
> Kathy
>
> **Kathy Whitehead**
> *Assistant to the Chief of Staff*
> *Office of the Governor*
>
> 350 North State Street, Suite 200
> Salt Lake City, UT 84114
> Ex. 6
> kwhitehead@utah.gov
>
> On Tue, Aug 22, 2017 at 1:06 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Hey there! Let me check and see if she will be in town.
> >
> > I've never seen people at our agency so happy as they were yesterday ☺ Glad you enjoyed it!

From: Kathy Whitehead [mailto:kwhitehead@utah.gov]
Sent: Tuesday, August 22, 2017 2:44 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Morris, Madeline <morris.madeline@epa.gov>
Subject: Nationals Game - September 28th - New Request

Good afternoon, Tate!

I was just notified that our First Lady, Jeanette Herbert, is planning to join the governor in Washington, DC for the Nationals game on Thursday, September 28th. In light of this, we would be pleased if the administrator wishes to extend this invitation to his wife also.

I look forward to hearing from you, and hope you're enjoying a pleasant Tuesday "post eclipse". While we weren't at 100%, we all went outside on the Utah Capitol front lawn to witness a 94% eclipse, and it was still rather impressive!

Best,

Kathy

Kathy Whitehead

Assistant to the Chief of Staff

Office of the Governor

350 North State Street, Suite 200

Salt Lake City, UT 84114

Ex. 6

kwhitehead@utah.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/11/2017 12:28:42 PM
To: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Subject: Re: DTE

Thanks!

> On Sep 11, 2017, at 7:25 AM, Mcbride, Bill (GOV) <mcbrideb@michigan.gov> wrote:
>
>
> Following up on our conversation.
>
> Your agency should be in contact with:
>
> Valerie Brader
> Director
> Michigan Agency for Energy
> braderv@michigan.gov
> Ex. 6 office
> cell

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/2/2017 12:31:36 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Bateman Ag POC?

Hey Levi!

Hope this finds you well and sorry to bother on a Sunday night. Easy question for you though! —

I'm working on an informal survey on dicamba for the Administrator where I interview farmers in various states. The Batemans immediately came to mind for ND. Do you have the name/ cell phone/ email address for the Batemans? We sent them a thank you note to their snail mail (I got that on site), but I didn't get their cell numbers.

Thanks in advance for any help with this!

Tate

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 10/16/2017 6:57:19 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
Subject: Re: Call tomorrow

Call whenever is convenient- Ex. 6

> On Oct 16, 2017, at 12:17 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
> Hey! Happy to talk today. Let me know what works for you.
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Sunday, October 15, 2017 10:34 AM
> To: Catherine Cromer
> Subject: Call tomorrow
>
> Hey Catherine! Is there a good time to call you tomorrow about next Monday? Just hoping to catch up!

Tate Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/6/2017 3:39:16 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: RE: Dr. Christina Hargiss

Thank you! Hope you are well!

From: Bachmeier, Levi [mailto:lebachmeier@nd.gov]
Sent: Wednesday, September 6, 2017 11:07 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Dr. Christina Hargiss

christina.hargiss@ndsu.edu

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/11/2017 9:47:18 PM
To: Vaughn, Kari (LARA) [VaughnK3@michigan.gov]
Subject: Re: Requested call with Valerie Brader

11 AM Eastern and it's on CTE utility issue.

On Sep 11, 2017, at 11:00 AM, Vaughn, Kari (LARA) <VaughnK3@michigan.gov> wrote:

> Good Morning:
>
> I understand that you would like to have a quick phone call with Director Brader. Can you tell me how much time you are looking for and what the subject matter would be? That will help me find an appropriate time for the call.
>
> Thank you,
>
> *Kari L. Vaughn*
> Senior Executive Management Assistant to Director Valerie Brader
> and Deputy Director Madhu Anderson
> Michigan Agency for Energy
> Office: Ex. 6
> Cell: Ex. 6
> Vaughnk3@michigan.gov
> <image001.jpg>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/27/2017 12:42:02 AM
To: stephanie.groen@iowa.gov
Subject: Fwd: RFS

Begin forwarded message:

From: "Lyons, Troy" <lyons.troy@epa.gov>
Date: September 26, 2017 at 8:40:40 PM EDT
To: "Latcham, Alexander S. EOP/WHO" Ex. 6
Cc: "Hoelscher, Douglas L. EOP/WHO" Ex. 6 "Anderson, Jessica C. EOP/OMB" Ex. 6 "Rollins, Blake - OSEC, Washington, DC" <Blake.Rollins@osec.usda.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Clark, Justin R. EOP/WHO" Ex. 6
Subject: Re: RFS

The important thing is that this is just a 15 day comment period, not a final decision on rfs.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/20/2017 7:30:40 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: Re: Utah drainage ditch-- E&E News

Yep! Found her. Thank you!

On Sep 20, 2017, at 3:19 PM, Alan Matheson <amatheson@utah.gov> wrote:

Tate,

Sorry for my slow response. We have legislative meetings today. I understand Erica Gaddis is going to get in touch with you to answer any questions. If you need something more, please let me know.

Alan

Sent from my iPhone

On Sep 20, 2017, at 9:46 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey Alan! Do you have time for us to give you a call on this today? Will only take a second. Just let me know which number and when!

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: Ariel Wittenberg <awittenberg@eenews.net>
Date: September 19, 2017 at 3:27:46 PM EDT
To: Press <Press@epa.gov>
Subject: Utah drainage ditch-- E&E News

Hi All,

Hope everyone is doing well. I was watching the livestream of Admin. Pruitt's talk at the Concordia Summit. He mentioned a field visit to a subdivision in Salt Lake City Utah (I assume during the State Action Tour) that was hampered by 404 permitting issues. Could you please tell me the name of the subdivision and any information you can provide about the permit issue there?

My deadline is COB Friday.

Thanks,

Ariel

Ariel Wittenberg
Reporter, E&E News
Ex. 6
awittenberg@eenews.net

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/28/2017 3:32:50 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
Subject: Re: Tomorrow

Is there any chance we can pivot to an afternoon 2 pm meeting at the Capitol? I can call you later if you'd like.

On Sep 25, 2017, at 4:14 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Sure; not a problem!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, September 25, 2017 3:11 PM
To: Catherine Cromer
Subject: RE: Tomorrow

Hey there! Can I give you an update by the end of the week?

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Monday, September 25, 2017 4:07 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Tomorrow

Hey, Tate! I wanted to check back in with you – have yall decided what your timing may look like on the 23rd?

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 07, 2017 2:25 PM
To: Catherine Cromer
Subject: RE: Tomorrow

Great!

From: Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
Sent: Thursday, September 7, 2017 3:18 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Tomorrow

Perfect; I'll call you then!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 07, 2017 2:17 PM
To: Catherine Cromer
Subject: Re: Tomorrow

Yep!

On Sep 7, 2017, at 2:49 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Tomorrow at 3 ET? I can do that!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, September 07, 2017 1:43 PM
To: Catherine Cromer
Subject: Tomorrow

Any chance we can pivot to 3 PM eastern?

Elizabeth Tate Bennett
Associate Administrator for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/30/2017 5:37:52 PM
To: Ryan, Jen [jen.ryan@georgia.gov]
CC: Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]
Subject: Re: Introduction (Hurricane Harvey Fuel Waivers)

Nice!

On Aug 30, 2017, at 1:27 PM, Ryan, Jen <jen.ryan@georgia.gov> wrote:

> Working on it now!
>
> Sent from my iPhone
>
> On Aug 30, 2017, at 12:58 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Hi Jen! James and I were wondering if the Governor could provide a quote on EPA's timeliness of the waivers? Sorry for the brevity- boarding a flight. Thanks Tas!
> >
> > On Aug 30, 2017, at 12:38 PM, Tas Smith <tasmith@gfb.org> wrote:
> >
> > > Jen,
> > >
> > > I want to introduce you to Tate Bennett, Associate Administrator for Public Engagement for EPA Administrator Scott Pruitt.
> > >
> > > Tate has been an excellent resource for Georgia Farm Bureau at EPA since Administrator Pruitt has been in charge, and she has been extremely helpful on issues our members have faced here at home.
> > >
> > > We received the wonderful news this morning regarding EPA waiving the red-dye diesel requirements so Georgia on-road vehicles can be better responsive to the emergency situations related to Hurricane Harvey.
> > >
> > > We wanted to make sure you were in touch in light of this news from EPA.
> > >
> > > If either of you need anything from me let me know.
> > >
> > > Thanks.
> > >
> > > Tas
> > >
> > > Tas Smith
> > > Public Policy Assistant Director
> > > Governmental Affairs Division
> > > Georgia Farm Bureau Federation

Ex. 6 (Office)
(Mobile)
tasmith@gfb.org

Confidentiality Notice: This electronic message and its contents are privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this electronic message in error, please delete and destroy this message and all copies from your system and notify the sender immediately by telephone or by email.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/12/2017 1:39:50 PM
To: Brader, Valerie (LARA) [braderv@michigan.gov]
Subject: Re: Quick call

I'll give you a shout then!

> On Sep 12, 2017, at 9:38 AM, Brader, Valerie (LARA) <braderv@michigan.gov> wrote:
>
> It does! Ex. 6 is my cell. Sounds great.
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, September 12, 2017 9:32 AM
> To: Brader, Valerie (LARA) <braderv@michigan.gov>
> Cc: Vaughn, Kari (LARA) <VaughnK3@michigan.gov>
> Subject: Re: Quick call
>
> Hi there! Kari said 5:30 tonight works for you? If that still works, I'd be happy to call whatever number works best.
>
>> On Sep 12, 2017, at 9:24 AM, Brader, Valerie (LARA) <braderv@michigan.gov> wrote:
>>
>> Dear Tate -- would you like to do a call today, or would later this week work better for you?
>>
>> -----Original Message-----
>> From: Brader, Valerie (LARA)
>> Sent: Monday, September 11, 2017 11:45 AM
>> To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
>> Cc: Vaughn, Kari (LARA) <VaughnK3@michigan.gov>
>> Subject: RE: Quick call
>>
>> Today is tough but I could do if it's urgent. Tomorrow is easier. Ccing my assistant.
>>
>> -----Original Message-----
>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> Sent: Monday, September 11, 2017 11:10 AM
>> To: Brader, Valerie (LARA) <braderv@michigan.gov>
>> Subject: Quick call
>>
>> Hi there! Tate from EPA here. Do you have a second for a quick phone call?

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/12/2017 1:33:18 PM
To: Holton, Jennifer (MDARD) [holtonj@michigan.gov]
CC: Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]
Subject: Re: Thank you!

My cell is Ex. 6 and I'm copying Chad to help with his and Rusty's info

On Sep 11, 2017, at 10:20 PM, Holton, Jennifer (MDARD) <holtonj@michigan.gov> wrote:

> Would send me your contact info and the staff that attended with you?
>
> Thanks!
> Jen
>
> Sent from my iPhone
>
> On Sep 11, 2017, at 2:51 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Hey! I'll definitely keep you posted. Just told your boss about the effort too by the way.
> >
> > On Sep 11, 2017, at 2:47 PM, Holton, Jennifer (MDARD) <holtonj@michigan.gov> wrote:
> >
> > Tate –
> >
> > I just wanted to drop a quick not to say thank you for participating and speaking at COSDA. Having EPA being a partner with the organization is going to be tremendously beneficial for the long-term. I look forward to working with you and your team.
> >
> > Also, below is my contact information, including my cell phone, for sending the grant application information and for sharing with your team.
> >
> > Thanks again,
> > Jen
> >
> > Jennifer Holton, APR
> > Director of Communications
> > MI Dept. of Agriculture & Rural Development
> > COSDA Federal Agency Liasion
> > E: holtonj@michigan.gov
> > M:
> > O: Ex. 6

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/5/2017 11:31:13 PM
To: lebachmeier@nd.gov
Subject: Flight

He's good if we add the stop at 12:30

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/21/2017 4:56:29 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Call request with Governor Walker

Thanks! Is there any chance you can send an invite?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 11:04 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

4:45 pm CST/5:45 pm EST tomorrow?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 11:02 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

Ex. 6 and can work around the Governor's schedule.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

There should be a chance. Do you have a few times on those days you can provide and I can check with my scheduling folks?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov

Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 10:57 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

Hey! Is there any chance he can do either tomorrow or Tuesday? Also, adding Troy Lyons and Preston Cory now handling the Governor's portfolio who would be staffing the call.

You are losing me but I'm not going far— just down the hall to head the Office of Public Engagement/ Business Outreach.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:35 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just checking on these proposed time changes?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Friday, August 18, 2017 2:44 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Would either of these times work for the same day?

3:15 – 3:30pm CT (4:15pm – 4:30pm ET)
4:40pm – 5:15pm CT (5:40pm – 6:15pm ET)

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 18, 2017 1:38 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call request with Governor Walker

Sorry to keep going back and forth on this, but it sounds like the Administrator is going to be in a place with bad cell service on Friday AM of next week. Are there some other dates/times you might suggest? Or later that day perhaps?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.

Sent from my iPhone

On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

Hi Tate,

I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**

- 9:00am EST
- 9:30am EST
- 10:00am EST

Please let me know if any of these times work or if you need more other information.

Thank you!
Sally

Sally Fox
Federal Relations Assistant
Office of Wisconsin Governor Scott Walker
sally.fox@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/15/2017 6:54:19 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
CC: McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
Subject: Re: Nebraska Leg

This looks great on my end. Running by comms. Still waiting on info from hospital. Standby.

Sent from my iPhone

On Aug 15, 2017, at 2:50 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Updated draft schedule attached
>
> ---
>
> **From:** Miltenberger, Matt
> **Sent:** Monday, August 14, 2017 9:55 AM
> **To:** 'Bennett, Tate' <Bennett.Tate@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** RE: Nebraska Leg
>
> Tate-
>
> Attached list includes draft line-by-line. I am still working on a potential site to visit between Lincoln and Omaha if you all still want to go visit a location.
>
> Below is the list of Common Sense Nebraska Coalition members.
>
> Please let me know what else you all need from me.
>
> Matt
>
> Common Sense Nebraska Coalition members include:
> AKSARBEN Club Managers Association
> Association of General Contractors - NE Chapter
> Farm Credit Services of America
> Iowa-Nebraska Equipment Dealers Association
> National Federation of Independent Businesses/Nebraska
> Nebraska Agribusiness Association
> Nebraska Association of County Officials
> Nebraska Association of Resource Districts
> Nebraska Bankers Association
> Nebraska Cattlemen
> Nebraska Chamber of Commerce and Industry
> Nebraska Cooperative Council
> Nebraska Corn Board
> Nebraska Corn Growers Association
> Nebraska Farm Bureau Federation
> Nebraska Golf Course Superintendents Association
> Nebraska Grain and Feed Association
> Nebraska Grain Sorghum Association

Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Board
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 14, 2017 9:15 AM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Nebraska Leg

Hi! Matt is actually sending us a Line by Line today. Standby

---

From: McMurray, Forrest
Sent: Monday, August 14, 2017 10:14 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Nebraska Leg

Tate,

Hope you had a relaxing weekend. Do you have any information on the time and events for the Nebraska portion of next week? I am putting together a lxl at the moment.

Forrest McMurray
Scheduling and Advance
U.S. EPA
Office: 202-564-5088
Cell: Ex. 6

<DRAFT PRUITT NE SCHEDULE UPDATED.DOCX>

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/4/2017 3:08:30 PM
To: lebachmeier@nd.gov
Subject: Corn growers

Any chance they can have a seat. Will explain back story. Ex. 6

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/18/2017 9:51:40 PM
To: Kathy Whitehead [kwhitehead@utah.gov]
CC: Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: Re: Administrator Pruitt's Availability 9/28/17

It will be him and Lincoln Ferguson on our staff. Let us know how much we owe?

Sent from my iPhone

On Aug 18, 2017, at 4:43 PM, Kathy Whitehead <kwhitehead@utah.gov> wrote:

> Excellent! Thanks so much!{"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}
>
> **Kathy Whitehead**
> *Assistant to the Chief of Staff*
> *Office of the Governor*
>
> 350 North State Street, Suite 200
> Salt Lake City, UT 84114
> Ex. 6
> kwhitehead@utah.gov
>
> On Fri, Aug 18, 2017 at 2:39 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> So sorry about the delay! He's in!
>
> Sent from my iPhone
>
> On Aug 18, 2017, at 4:39 PM, Kathy Whitehead <kwhitehead@utah.gov> wrote:
>
> > Hello, Tate!
> >
> > Just checking in to see if you were able to confirm the 28th of September for the Washington Nationals game with Administator Pruitt and Governor Herbert.
> >
> > Thanks -- and hope you are getting set to enjoy a wonderful weekend!
> >
> > Kathy
> >
> > **Kathy Whitehead**
> > *Assistant to the Chief of Staff*
> > *Office of the Governor*
> >
> > 350 North State Street, Suite 200
> > Salt Lake City, UT 84114
> > Ex. 6

kwhitehead@utah.gov

{"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/22/2017 2:15:11 PM
To: Neitzel, William E - GOV [William.Neitzel@wisconsin.gov]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]
Subject: FW: EPA Announces Innovative Research across the Country to Address State Environmental Issues

FYI R.E. Wisconsin.

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Tuesday, August 22, 2017 10:01 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Announces Innovative Research across the Country to Address State Environmental Issues

CONTACT: press@epa.gov

EPA Announces Innovative Research across the Country to Address State Environmental Issues

WASHINGTON (August 22, 2017) -Today, the U.S. Environmental Protection Agency (EPA) announced research projects addressing priority environmental and human health problems in 14 states through partnerships between EPA's research office, regional offices, and states.

"EPA encourages the use of innovative scientific approaches to help solve important environmental problems," **said EPA Administrator Scott Pruitt.** "By working with our state partners and engaging the public, we can foster creative solutions to these challenges.

The research announced today seeks to address pressing environmental issues facing the states. EPA is

uniquely equipped to provide scientific expertise to help tackle these problems. The selected projects focus on non-point source nitrogen pollution, volatile organic compound emission detection, harmful algal blooms, roadway air pollution near schools, and other environmental and human health issues across the country. The projects will employ innovative approaches including citizen science, crowdsourcing, a challenge competition, and advanced monitoring technologies.

The projects announced today are:

- **Low-Cost Sensors for Real-Time Continuous Water Quality Monitoring (Ga.)** EPA will collaborate with the Georgia Environmental Protection Division's Georgia Adopt-A-Stream Program to build, deploy, and evaluate a low-cost water quality sensing network that enables users to log data in real time.

- **Detecting Sensitive Aquatic Species using Environmental DNA (W.Va., Md., Pa.)** EPA will work with the West Virginia Department of Natural Resources, Maryland Department of Natural Resources, and Pennsylvania Department of Environmental Protection to develop cost-efficient, reliable, non-invasive methods to improve understanding of the distribution of freshwater mussels, which act as sensors of water quality and help reduce risks to communities that rely on those sources of drinking water.

- **Using Citizen Science to Analyze Underwater Video in the Great Lakes (Mich., Wis.)** EPA will work with Michigan Department of Natural Resources and Wisconsin Department of Natural Resources staff to design and test a citizen science web platform. Citizen scientists will use the platform to provide observations on habitat and invasive species to state managers by accessing more than 1,000 underwater videos collected as part of the National Coastal Condition Assessment.

- **Novel VOC Sensor System for Fugitive Emission Detection (Texas)** EPA will work with the Texas Commission on Environmental Quality to develop and deploy an innovative low-cost volatile organic compound (VOC) sensor system to assist with VOC emission detection in the Dallas, Texas area.

- **Use of Next-Generation Molecular Tools for Harmful Algal Blooms and Microbial Source Tracking to Support Watershed Restoration in Kansas and Nebraska (Kan., Neb.)** --EPA will assist the Nebraska Department of Environmental Quality and Kansas Department of Health and Environment with microbial source tracking and harmful algal bloom assessments using the PhyloChip, an innovative monitoring technology.

- **Advanced Septic System Nitrogen Sensor Challenge – Phase II Prototype Performance Testing (Mass., N.Y.)** EPA and its partners in the "Advanced Septic System Nitrogen Sensor Challenge" will conduct laboratory and field testing to evaluate the effectiveness of new, low-cost technologies in removing excess nitrogen pollution from wastewater.

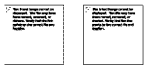
- **Montana's Smith River Algae Crowdsourcing Project (Mont.)** The Smith River is one of Montana's premier recreation destinations, and visitors have expressed concerns to state agencies about excess algae growth. EPA, the Montana Department of Environmental Quality, and Montana Fish, Wildlife, and Parks will develop a mobile app to capture crowdsourced data to engage visitors in collecting photos of the excess algae growth on Montana's Smith River during the 2018 recreation season.

- **Is It Working? Barriers and Incentives to Nutrient Management for Southern Willamette Valley Farmers (Ore.)** Oregon's Southern Willamette Valley has experienced problems with nitrate contamination of groundwater and private drinking water wells. EPA and the Oregon Department of Agriculture will work with farmers and the community to understand how soil testing information affects nutrient management practices on farms.

- **Building Capacity to Measure Air Pollution Mitigation Strategies at Schools (Calif.)** EPA, the California Air Resources Board, CalFire, and the Bay Area Air Quality Management District will engage

teachers and students in studying the effectiveness of roadside vegetation barriers. The project seeks to reduce exposure to vehicle emissions at an Oakland elementary school that is adjacent to a busy road.

More information: https://www.epa.gov/innovation/2017-regionalstate-innovation-projects



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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/22/2017 2:12:55 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: FW: EPA Announces Innovative Research across the Country to Address State Environmental Issues

FYI on NE highlighted.

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Tuesday, August 22, 2017 10:01 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Announces Innovative Research across the Country to Address State Environmental Issues

CONTACT: press@epa.gov

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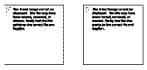
More information: https://www.epa.gov/innovation/2017-regionalstate-innovation-projects



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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/22/2017 1:43:34 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: FW: Congratulatory Letter - Administrator Pruitt
Attachments: 20170821153752450.pdf

So obviously we can't get into detail on all of this list. Which ones is he primarily interested in discussing?

-----Original Message-----
From: Stepp, Cathy L - DNR [mailto:Cathy.Stepp@wisconsin.gov]
Sent: Monday, August 21, 2017 4:47 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Neitzel, William E - GOV <William.Neitzel@wisconsin.gov>; Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov>
Subject: Congratulatory Letter - Administrator Pruitt

Good afternoon,

Please find attached a letter for Administrator Pruitt.

Thank you,

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 S Webster Street
Madison, WI 53703
Phone: Ex. 6
Cathy.stepp@wisconsin.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

August 21, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20503

Administrator Pruitt:

Congratulations on your confirmation as Administrator of the Environmental Protection Agency (EPA).

As you know, state and federal environmental regulations and programs have matured significantly since major federal environmental laws were adopted decades ago. Under your Administration, this an exciting time that provides us an excellent opportunity to review our regulatory climate to ensure we continue to protect the citizens of this country, while at the same time ensuring our regulatory structure is not unnecessarily burdensome. As co-regulators, we have the ability to examine the roles of the federal government and states in environmental regulation. In the states' role, we value the right to develop initiatives and deliver programs that meet the needs of the taxpayer and reflect local priorities and values. In order to best serve our citizens, and to make the best use of our resources, we need to work together to define our appropriate roles, and to do our work in the most efficient way possible.

In our dual roles as regulators, EPA sets federal environmental standards and generally delegates authority to the states to implement those standards, subject to EPA oversight. In the states' role as implementer, we are in a unique position to understand some of the challenges associated with implementing federal programs on the ground. In that regard, there are a number of ideas that we would like to advance for your consideration.

Tribal Regulation of Water and Air Quality Reform. Tribes have the ability to create their own air and water regulatory standards under the Clean Water and Clean Air Acts. In addition to applying to businesses on reservation lands, these standards also apply to businesses that have discharges or emissions that potentially impact water or air quality on reservations. These standards are in addition to any applicable state or federal standards. Overlaying another regulatory layer on top of existing state and federal regulations, which are designed to protect public health and the environment, discourages economic growth in these geographic areas.

While the Clean Water and Air Acts could be amended in a number different ways to address this duplicative regulatory structure, there are also a number of actions that could be taken administratively. EPA has recently changed its interpretation of the Clean Water Act "Treatment as a State" (TAS) provisions to make it easier for tribes to establish water quality standards. In addition, EPA has also proposed to create water quality standards for tribes that have not adopted standards. EPA could return to its longstanding, original interpretation of the Clean Water Act "Treatment as a

State" provisions. It could also stop its efforts to impose additional water quality standards on sovereign nations.

Require EPA to Defer to State Permit Decisions for Delegated Programs
EPA should defer to state decision-making in regard to programs delegated to the state (e.g., Clean Air Act, Clean Water Act) except in extreme circumstances. Second-guessing state permitting decisions creates regulatory uncertainty and stifles investment. For example, after being asked for input, EPA questioned a state permitting decision made eight years earlier as a permit was coming up for renewal. This type of approach results in businesses not being able to rely on permitting decisions made by state entities that have met the requirements and been approved by EPA to implement these federal programs. In the event there is a disagreement, a change should be addressed prospectively and not in the context of revisiting past decisions.

Revising the Clean Air Act's National Ambient Air Quality Standards (NAAQS) and Permitting Problems. Pursuant to the Clean Air Act, EPA is required to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. EPA designates geographic areas as either meeting those standards ("attainment areas"), not meeting those standards ("nonattainment areas"), or as not having enough information to designate as attainment or nonattainment areas ("unclassifiable areas").

Wisconsin has nonattainment areas and will probably have them in the future as standards are continually revised and often tightened. Considering regulations apply in these areas that do not apply elsewhere, manufacturing may be discouraged from investing in those areas. In addition, because Wisconsin nonattainment areas are largely caused by emissions occurring outside those areas, applying requirements inside the nonattainment areas often will not result in the areas meeting the standards.

Recommendations for consideration to address some of the challenges include fairly addressing ozone air transport issues. The Clean Air Act requires an area that exceeds a NAAQS to implement requirements to bring the area into attainment, even though the area may not be the source of emissions causing the violation (e.g., Sheboygan and Kenosha Counties, WI). Nonattainment areas should not be required to implement controls when emissions in the nonattainment areas are not the primary cause of the air quality problems. An additional recommendation is to modify the Clean Air Act to provide that revisions of the NAAQS are not required every five years. This timeframe is simply too short, and results in overlapping regulatory standards.

Further, EPA should speed up the process to re-designate nonattainment areas that now meet the NAAQS to attainment areas and allow for the concept of emission offsets to be used in attainment areas. EPA should also allow projects in attainment areas to move forward once appropriate control technologies are implemented or offsets obtained, even if modeling does not demonstrate compliance with the NAAQS. Additionally, in attainment areas, EPA should provide states with the flexibility in determining when modeling is necessary to determine compliance with a NAAQS. Finally, allow modeling to be based on "most likely" or actual scenarios rather than "worst case" or potential scenarios, while still protecting public health.

EPA Program Review. For environmental programs delegated to the states by EPA, the EPA frequently will opine on whether a certain practice, rule or statute adopted by the state is consistent with federal requirements. If not, EPA will require the state to change the practice, statute, or rule, to

be consistent with federal law. In many instances, the changes required by EPA have no or a nominal impact on how the state is implementing a specific regulatory program.

In these instances, the state usually communicates with EPA to ensure agreement that the proposal will address EPA's concern. This is important due to the effort that goes into addressing EPA's concerns, which can be substantial. For example, addressing these concerns can require the state to embark on a multi-year rulemaking process. There have been a number of instances in which the state thought it was addressing the concern after receiving feedback from EPA, only to find out later that it had not. This results in the state having to embark in another effort to address the issue.

Recommendations for consideration to address this challenge include creating a formal process by which states can request EPA to make a determination as to whether a proposal meets federal requirements. EPA should be required to respond within a certain time period, such as within 90 days of receipt of the proposal. EPA should also be required to explain what specific parts of the proposal does not meet federal requirements, and explain in detail why the proposal does not meet requirements. If EPA approves a proposal, it should be bound by that determination unless there is a federal law change (rule, statutory, or court decision) that makes its determination no longer valid.

Lack of Timely Responses for Approvals from EPA. EPA must approve many state actions under the Clean Water Act (CWA) such as administrative rules related to CWA implementation and permit variances. Often there are significant delays to obtain these approvals. This previously has delayed numerous permit issuances, caused confusion and uncertainty for stakeholders and added cost. For example, the multi-discharger variance request was submitted to EPA on March 30, 2016 and no approval decision has been forthcoming to date. This has delayed numerous permit issuances, caused confusion and uncertainty for stakeholders and added cost. Another timeliness concern relates to when EPA fails to provide timely guidance on major regulatory requirements, particularly when states are required to meet federal deadlines.

Recommendations for consideration to address this challenge include requiring federal agencies by statute or rule to approve certain state actions within a date unless an extension is mutually agreed to by the state. A failure to meet the deadline results in approval of the action. Another approach would be to establish metrics that require certain timeframes to be met, include corresponding performance objectives, and hold people accountable for missing deadlines.

Ten Year Permits. The Clean Water Act specifically restricts water discharge permits to five years in duration. Many permits, upon renewal, are simply a continuation of the existing permit. In order to minimize workload while continuing to protect the environment, revise the Clean Water Act to provide that permits may be for ten years in duration. If, during the ten year period, a significant change is warranted, (e.g., the facility wishes to significantly increase capacity or a new water quality standard is adopted), permits can be modified at that time. An alternative could be to allow 5 year extension options to permits instead of going through the full reissuance process as long as the permittee is in compliance and has no significant changes.

Significant Inconsistency in Regulatory Approach Between EPA Regional Offices. In EPA' s current structure of the agency with a Headquarters and 10 regions, there appears to be a substantial amount of inconsistency with regard to implementing federal rule and law, federal guidance, enforcement, and approaches to working with state agencies. This diffused organizational structure contributes to this inconsistency given that it appears that EPA Regional Directors and staff have a fair amount of autonomy within their regions.

The effect of this inconsistency is that from an implementation perspective there are 11 EPA's. The result at the state level is the actual intent of federal rule, law, enforcement, and policy direction not being uniformly applied, which creates an uneven playing field for both businesses and states.

One option to address this issue is to re-organize EPA to a "line organization" in which all programmatic staff and supervisors in the regions report to a Program Director and management staff in EPA headquarters. Under this organizational structure, Regional Directors could focus on leading collaborative and innovative efforts with the states, leading significant projects and issues within their geographic areas, helping ensure that EPA programs are taking an integrated approach to regulation, and providing input on the feasibility of implementing rules and guidance.

Require EPA to Allow States Greater Flexibility to Customize Programs to Fit States' Needs. States have a better idea about how to administer environmental programs in their states. The EPA's role should be to provide general sideboards (since air and water do cross state lines) but allow states greater flexibility to customize their programs to fit their needs – without constant federal approvals. EPA has a role to set overall performance standards for clean water and air, but states establish the details about how to accomplish them. EPA's approval role is limited to determining consistency with a broad standard. A model could be how the Natural Resource Conservation Services (NRCS) develops technical standards – a broad set of standards and topic areas to be addressed are identified at the national level, while states are allowed to fill in the details.

Require EPA to Inform States Prior to Conducting Work Within State Boundaries. If EPA intends to conduct any type of work, including studies, research, inspections, tribal or public meetings within a state, they should be required to reach out to and inform the appropriate state contacts. This will ensure good coordination and cooperation on regulatory issues and sharing of information.

Require EPA to Confer With States Before Policy or Regulatory Changes That Affect Those States. EPA should involve states early and often on policy or regulatory changes that are delegated for implementation by those states, including regional approaches or guidance.

Require EPA to Consult With States On Their Needs to Produce a Scientific Strategy on Water Quality Indicators and Other Matters. EPA could play a more active role in developing a scientific basis for actions based on state needs and feedback. An example is the decision on which bacteria species to base water quality standards. For many years it was fecal coliform, then EPA switched it to E. coli, and then it was a baccilus species. EPA then decided to study it further and there was no indicator species established. Eighty years later, after no progress, EPA went back to E. coli. Recommendations for consideration to address this challenge include EPA consulting with states as to their needs and establish a science strategy in consultation and collaboration with state programs.

Federal Agencies (EPA) Regulatory Reform. EPA should consult with states and potentially other stakeholders in the development of proposals to streamline or simplify regulations, and to explore creative alternative regulatory approaches. A deadline should be established to produce a list of proposals.

Revise the Clean Water Act's Grant Dollars to States (s. 319). Clean Water Act s. 319 grant dollars to states are restricted to be used for nonpoint source pollution abatement projects and further restricted to be used only in watersheds with specified plans (Nine Key Element) approved by EPA.

Recommendations for consideration to address this challenge include revising the Clean Water Act to allow greater flexibility in the use of these funds to include nonpoint-based pollution in permitted municipalities (storm water) and certain activities at CAFOS. Additionally, revise federal regulations to remove the restrictions that these funds may only be used in watersheds with approved "Nine Key Element" plans. Lastly, a suggested recommendation is to reduce the plan requirements. State programs could use these funds based on the greatest environmental need and/or outcome, rather than if there is an approved, complicated plan.

Coordinate the Timeline of Federal Regulation Dates. The states are constantly implementing new federal rules and sometimes they can interact and affect other rules. The federal government should better coordinate when rules are released and how they potentially affect other ones. In order to ensure coordination of rules, and to provide some certainty to the regulated community, any new rules should take into account the timing and impact of other existing or proposed rules.

For example, any new air quality rule proposals should include an analysis of other existing and proposed rules that may impact emissions that will also be regulated under the new rule, and issuance of these rules should be carefully coordinated so as to be issued contemporaneously. Companies should be ensured that when they make investments in control technologies that investment will be sufficient to meet regulatory requirements for a defined period of time. EPA needs to provide adequate implementation timelines for new requirements.

New Review System for State Compliance with Federal Requirements. EPA, when exercising its approval authority over state actions (e.g., administrative rules, variances, floodplain maps) will often indicate approval over the course of working on the issue only to raise significant objections at the last minute, or after the state has finalized an approval. This significantly increases the workload by state staff to address these last minute objections and adversely affects the credibility of the state with its stakeholders, who may have been through years of good-faith negotiations. Federal agencies should have a deadline to exercise approval authority over state actions that is consistent with state processes.

In addition, there should be a new, formal process by which states can request EPA to make a determination as to whether a proposal meets federal requirements. EPA should be required to respond within certain a time period, such as within 90 days of receipt of the proposal. If EPA determines all or part of a proposal does not meet federal requirements, EPA should be required to explain what specific parts of the proposal do not meet federal requirements.

If EPA approves a proposal, it should be bound by that determination unless there is a federal law change (rule, statutory, or court decision) that makes its determination no longer valid.

Same Project/Different Programs. Different programs in EPA will pursue the same project with different programs at the state level. This results in duplication, confusion and inconsistency. A recommendation to solve this issue is to require EPA to have a multi-discipline project coordination team so that different programs within these large agencies have a better idea of what the other is doing – especially for major and expensive initiatives.

Require Federal Agencies to Consult with States as an Integral Partner in Establishing National Environmental Policy. Federal environmental regulations are often established without adequate state involvement or input. An example is the Waters of the United States (WOTUS) rule. Require federal agencies to offer a consultation role to states as an integral partner in establishing national environmental policy. In the WOTUS rule example, states were not consulted at all in its development. The state agency could have informed EPA of the ramifications of their approach, worked with EPA to address many of the current concerns and perhaps had a workable rule, avoiding much of the controversy and legal time and cost.

We would welcome the opportunity to discuss these concepts with you in more detail at your convenience.

Thank you for your consideration.

Sincerely,

Cathy Stepp
Secretary

CC: Governor Scott Walker
Wisconsin Congressional Delegation

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/31/2017 11:20:51 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
Subject: Re: Meeting August 7

Same exercise as before? Thanks so much for checking!

On Aug 31, 2017, at 6:48 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Hey, Tate! I was able to discuss this with Governor Haslam, and it seems like the 23rd would work on our end. What do you all have in mind for the visit?
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 30, 2017 12:19 PM
> **To:** Catherine Cromer
> **Subject:** Re: Meeting August 7
>
> Circling back. Could Oct. 23 work to reschedule?
>
> On Aug 15, 2017, at 2:48 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
>
> > Hey! Yesterday got away from me – I'm sorry I didn't call! Are you around at all this afternoon?
> >
> > ---
> >
> > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > **Sent:** Friday, August 11, 2017 5:07 PM
> > **To:** Catherine Cromer
> > **Subject:** Re: Meeting August 7
> >
> > That would work!
> >
> > Sent from my iPhone
> >
> > On Aug 11, 2017, at 5:45 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
> >
> > > Hey, Tate! Can we connect Monday afternoon to go over the plan for the 28th?
> > >
> > > ---
> > >
> > > **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> > > **Sent:** Wednesday, August 02, 2017 4:24 AM
> > > **To:** Catherine Cromer
> > > **Subject:** Re: Meeting August 7
> > >
> > > I'll be on the road with the Admin so something might come up, but that should work. What number is best?
> > >
> > > Sent from my iPhone

On Aug 1, 2017, at 11:28 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Sure! How about 10:00 CT?

On Aug 1, 2017, at 8:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Can I try you in the morning? Today got away from me! If so, what time?

Sent from my iPhone

On Aug 1, 2017, at 5:29 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?

Thank you,
Catherine

<image001.png>

Catherine Cromer|Scheduler
to the Governor
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
p. Ex. 6
catherine.cromer@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 31, 2017 8:42 AM
To: Brianna Lundeen
Cc: Catherine Cromer
Subject: RE: Meeting August 7

Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?

From: Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
Sent: Monday, July 31, 2017 8:53 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Catherine Cromer <Catherine.Cromer@tn.gov>
Subject: Re: Meeting August 7

Hi Tate,

I am no longer in the scheduling office but I am copying Catherine here. She will be in touch soon to set this up.

Thank you,
Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
o. Ex. 6
Ex. 6 m. Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Briann
> a-
> would

the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details.

Ex. 6

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/28/2017 8:41:21 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
CC: Neitzel, William E - GOV [William.Neitzel@wisconsin.gov]
Subject: RE: Have you chatted with our DNR recently?

I think we have decided to hold off/reschedule given the upcoming events your boss has r.e. the state fair. Alternatively, we could do the 25th of this month and just do a meeting in your capital along with the DNR as part of our State Action Tour on WOTUS.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, July 28, 2017 3:20 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Neitzel, William E - GOV <William.Neitzel@wisconsin.gov>
Subject: Have you chatted with our DNR recently?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/4/2017 1:21:54 PM
To: lebachmeier@nd.gov
Subject: Fwd: meetings with Administrator Pruitt

Are they invited?

Sent from my iPhone

Begin forwarded message:

> **From:** Ethan Mathews <Mathews@ncga.com>
> **Date:** August 4, 2017 at 4:41:08 AM MDT
> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Subject: Re: meetings with Administrator Pruitt**
>
> Awesome thank you. Understand y'all will be in ND next week as well and would like to see about involving North Dakota Corn Growers Association in that visit as well if possible.
>
> Ethan Mathews
> Director of Public Policy, NCGA
> Mathews@ncga.com
> **Ex. 6**
>
> On Aug 3, 2017, at 11:14 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Hey! Let me see what we can do. Standby. Sorry-we've been traveling all week.
>>
>> Sent from my iPhone
>>
>> On Aug 3, 2017, at 2:45 PM, Ethan Mathews <Mathews@ncga.com> wrote:
>>
>>> Tate –
>>>
>>> Hope your August is treating you well.
>>>
>>> I would like to pass on a request from my counterparts at Iowa Corn Growers Association (ICGA) for a meeting with Administrator Pruitt during his visit to Iowa next Tuesday. Iowa Corn's Animal Agriculture and Environment Committee and Industrial Usage and Production Committee will be meeting that day at the ICGA offices located at 5505 NW 88th St Johnston, IA just 15 minutes away from the Iowa Farm Bureau offices. These committees work on issues related to WOTUS, water quality, conservation, livestock regulation, energy and ethanol, and farm production issues. Their schedule is flexible that day, and they could host the Administrator immediately following his meeting at the IFBF office, including over the lunch hour. They would also be available from 8-10 am as well if that suits his schedule. As for the focus of the meeting, we would welcome Administrator Pruitt to meet with our

farmers (approximately 30) to discuss opportunities for regulatory reform that affects corn grower profitability.

Ethan Mathews
Director of Public Policy
National Corn Growers Association
20 F ST NW, Suite 600
Washington, DC 20001
mathews@ncga.com
Ex. 6 (m)
(o)

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/9/2017 8:59:22 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Mailing addresses

That's a great question. 819 D St, #11 WDC 20002

Sent from my iPhone

On Aug 9, 2017, at 3:22 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Governor's Office
> 600 E Boulevard Ave
> Bismarck, ND 58505
>
> How about for you?
>
> Sent from my iPhone
> Please excuse my brevity
>
> On Aug 9, 2017, at 15:19, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
>>
>> Any good ones for both you and the governor.
>>
>> Sent from my iPhone

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/7/2017 2:01:57 PM
To: lebachmeier@nd.gov
CC: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: Tomorrow night

How many staffers on your end will be in attendance?

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/9/2017 8:55:49 PM
To: lebachmeier@nd.gov
Subject: Fwd: PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Sent from my iPhone

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: August 9, 2017 at 3:51:48 PM CDT
To: "Bennett.Tate@epa.gov" <Bennett.Tate@epa.gov>
Subject: PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota
Reply-To: press@epa.gov

Contact Information: press@epa.gov

PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Meets with Bipartisan Delegation of State Leaders

Fargo, N.D. (August, 9, 2018) - U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in North Dakota on Wednesday, visiting his ninth state in four weeks.

"As I've traveled state-to-state, farmers and landowners have told me firsthand the harmful impacts the 2015 WOTUS rule would have on American agribusinesses," **said Administrator Pruitt.** "EPA is no longer in the business of advancing unnecessary and burdensome regulations that harm the agriculture industry and do little to help keep water clean."

Administrator Pruitt began his trip with a stop at North Dakota State University in Fargo where he was joined by North Dakota Governor Doug Burgum, U.S. Senator John Hoeven, U.S. Congressman Kevin Cramer, North Dakota Lt. Governor Brent Sanford, North Dakota Attorney General Wayne Stenehjem, a representative from U.S. Senator Heidi Heitkamp's office, and other state officials. Together, they held a roundtable with the North Dakota Farm Bureau, North Dakota's Farmer Union, and other state

agribusiness leaders where they discussed EPA's recent decision to begin the process of redefining 'Waters of the United States' (WOTUS) to better provide regulatory certainty for farmers and landowners while also helping empower traditional state governing powers.

"We're very grateful to host Administrator Pruitt in North Dakota and discuss how federal regulations impact energy, agriculture, and natural resources in our state, and to thank him for his efforts to roll back burdensome and overreaching regulations such as the Waters of the U.S.," **said Governor Burgum**. "We share the fundamental goals of protecting the environment, improving public health and bolstering our economy. We appreciate Administrator Pruitt's commitment to empowering states to solve our collective challenges through more innovation instead of more regulation."

"I appreciate Administrator Pruitt coming to North Dakota to hear from our agriculture and energy producers firsthand," **said Senator Hoeven**. "Their input is vital as we continue working to provide regulatory relief and certainty to empower economic growth and job creation, while ensuring good environmental stewardship."

Administrator Pruitt later traveled to Grand Forks, N.D. with Governor Burgum, Senator Hoeven, Congressman Cramer, Lt. Governor Sanford, and other state officials where they toured the University of North Dakota's Energy and Environmental Center that is working to implement solutions for the world's environmental and energy challenges. After the tour, Administrator Pruitt and the bipartisan North Dakota delegation held a roundtable with UND faculty and members of the local energy industry to discuss how EPA is working to advance environmental stewardship and encourage innovation for more efficient sources of energy.

Earlier today, Administrator Pruitt and Governor Burgum joined Scott Hennen on his radio show on AM 1100 The Flag. The interview can be listened to here:

http://podcast.flagfamily.com/?p=archive&cat=woym

North Dakota Governor Doug Burgum (left) and EPA Administrator Scott Pruitt (right) talk before joint interview on Flag 1100 AM with Scott Hennen.

North Dakota Governor Doug Burgum (left), EPA Administrator Scott Pruitt (middle), and U.S. Senator John Hoeven hold WOTUS roundtable at North Dakota State University.

North Dakota agribusiness leaders discuss WOTUS at the roundtable.

U.S. Senator John Hoeven, EPA Administrator Scott Pruitt, and North Dakota Governor Doug Burgum tour University of North Dakota's Energy and Environmental Center.

EPA Administrator Scott Pruitt holds roundtable with North Dakota state officials, UND faculty and members of the local energy industry.

<!--[if !mso]--> Visit The EPA's Newsroom <!--[endif]-->

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/7/2017 1:32:20 PM
To: lebachmeier@nd.gov
Subject: Fwd: ND Farm Visit

This was confusing.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Date:** August 7, 2017 at 9:31:14 AM EDT
> **To:** "Lee, Jessica (Hoeven)" <Jessica_Lee@hoeven.senate.gov>
> **Cc:** "Brusegaard, Tom (Hoeven)" <Tom_Brusegaard@hoeven.senate.gov>, "Bachmeier, Levi" <lebachmeier@nd.gov>, "Bernstein, Ryan (Hoeven)" <Ryan_Bernstein@hoeven.senate.gov>
> **Subject: Re: ND Farm Visit**
>
> Hi Jessica-
>
> I believe your office and Levi set this up alongside Ethan Matthews with the corn growers. I suggest Tom check in with either of them, but I'll be sure pass along anything we get back from them today.
>
> Thanks!
> Tate
>
> On Aug 7, 2017, at 9:22 AM, Lee, Jessica (Hoeven) <Jessica_Lee@hoeven.senate.gov> wrote:
>
>> Good morning Tate,
>>
>> I understand through Levi Bachmeier that Administrator Pruitt has accepted the senator's invitation to visit a farm and have a discussion with some of North Dakota's grower groups. Will you please connect with Tom Brusegaard, the senator's agriculture specialist to coordinate this stop of the senator's visit to North Dakota.
>>
>> We would like to get invitations out to stakeholders by this afternoon.
>>
>> Thank you,
>> Jessica
>>
>> **Jessica Lee**
>> State Director
>> U.S. Senator John Hoeven
>> 123 Broadway Suite 201
>> Fargo, ND 58103
>> Office: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/25/2017 11:31:27 PM
To: egaddis@utah.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2348b9299f404ddc8b586f07cbcdd647-egaddis@uta]
CC: Alan Matheson [amatheson@utah.gov]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: Re: Follow up with Utah

Thank you! Copying Sarah!

Sent from my iPhone

On Jul 25, 2017, at 7:18 PM, Erica Gaddis <egaddis@utah.gov> wrote:

> Dear Tate,
>
> Thank you for following up on our request to provide a publicly facing map of Jurisdictional Determinations. The beta tool that you sent along looks like a great start. It is simple but provides sufficient detail for users to know whether a JD has been made and on what basis. My only suggestion would be to include as base layers the national hydrography dataset (https://nhd.usgs.gov/) as well as the National Wetland Inventory (https://www.fws.gov/wetlands/data/Mapper.html). It would also be very helpful if the determinations were marked as polygons/lines representing wetlands, lakes, and streams rather than as points. This would help users determine if a water on their property has been evaluated and would give co-regulators (states) the ability to integrate these findings with our other programs and spatial tools.
>
> I enjoyed meeting you and Administrator Pruitt last week.
>
> Please let us know if you have any other questions.
>
> Sincerely,
> Erica
>
> Phone: Ex. 6 (office) | Phone: Ex. 6 (cell)
> Address: 195 N 1950 W Salt Lake City, UT 84116
>
> **Website** | **LinkedIn**
>
> *Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.*

---------- Forwarded message ----------
From: **Alan Matheson** <amatheson@utah.gov>
Date: Sun, Jul 23, 2017 at 9:41 PM
Subject: Fwd: Follow up with Utah

To: Erica Gaddis <egaddis@utah.gov>

Forwarding for any comment.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Date:** July 23, 2017 at 2:39:12 PM MDT
> **To:** "amatheson@utah.gov" <amatheson@utah.gov>
> **Subject: Fwd: Follow up with Utah**
>
> Hey Alan! Is this what Erica was referring to? Maybe she can provide feedback if it is unsatisfactory?
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **From:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
>> **Date:** July 23, 2017 at 4:05:16 PM EDT
>> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
>> **Subject: Follow up with Utah**
>>
>> The woman who was showing us around in Utah (I can't recall her name!) requested that we do a map with past JDs. Here is a website that is almost exactly what she wanted. Can you make sure she sees this?
>>
>> https://watersgeo.epa.gov/cwa/CWA-JDs/
>>
>> Thanks Tate!
>>
>> **Sarah A. Greenwalt**
>>
>> Senior Advisor to the Administrator
>>
>> for Water and Cross-Cutting Issues
>>
>> U.S. Environmental Protection Agency
>>
>> Work: Ex. 6 | Cell Ex. 6

Greenwalt.Sarah@epa.gov

--

Erica Brown Gaddis, PhD | Director
Phone: Ex. 6
Address: 195 N 1950 W Salt Lake City, UT 84116

Website | **LinkedIn**

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

{"email-policy":{"state":"closed","expirationUnit":"days","disableCopyPaste":false,"disablePrint":false,"disableForwarding":false,"expires":false,"isManaged":false},"attachments":{}}

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/25/2017 3:24:23 PM
To: Millerick, Jayne [Jayne.Millerick@nh.gov]
Subject: Re: Checking in

You're the best. Thanks! I realize it was a shot in the dark.

Sent from my iPhone

> On Jul 25, 2017, at 11:20 AM, Millerick, Jayne <Jayne.Millerick@nh.gov> wrote:
>
> Okay, we will standby and be ready to host him at your convenience. Thanks again for thinking of Governor Sununu.
> Have a great rest of your day.
> Jayne
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, July 25, 2017 11:14 AM
> To: Millerick, Jayne
> Subject: Re: Checking in
>
> No! It's ok! We might have a WH meeting that day regardless.
>
> Sent from my iPhone
>
>> On Jul 25, 2017, at 11:13 AM, Millerick, Jayne <Jayne.Millerick@nh.gov> wrote:
>>
>> Hi again - I don't want the Administrator to wait if you/he would prefer to travel to NH sooner. Would you like me to try and make the afternoon of Aug 2 work? Happy to try and work some magic. I know the Governor would want to accommodate the Administrator's wishes.
>>
>> -----Original Message-----
>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> Sent: Tuesday, July 25, 2017 10:37 AM
>> To: Millerick, Jayne
>> Subject: RE: Checking in
>>
>> Not a problem. Perhaps sometime in September? I can circle back closer to September if that works.
>>
>> -----Original Message-----
>> From: Millerick, Jayne [mailto:Jayne.Millerick@nh.gov]
>> Sent: Tuesday, July 25, 2017 10:26 AM
>> To: Bennett, Tate <Bennett.Tate@epa.gov>
>> Subject: RE: Checking in
>>
>> Hi Tate - great to hear from you. I know the Governor would love to host Admin. Pruitt. We have a couple things that are locked down already for the 2nd, do you have any flexibility in the date at this point please? Please let me know if there are other options on his calendar. Thanks for thinking of NH, would love to try and make this work just wondering how solid the date is on your end.
>> Thanks again.
>>
>> -----Original Message-----
>> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
>> Sent: Monday, July 24, 2017 11:07 PM
>> To: Millerick, Jayne
>> Subject: Checking in
>>
>> Hi Jayne-
>>
>> Hope you are well! I was wondering if by chance Governor Sununu might be available to meet with Admin. Pruitt the morning or early afternoon of August 2nd in NH at your Capital on WOTUS? This would be his first trip to New England since being sworn in as EPA Administrator. If that doesn't work, no worries and we can aim for another time.
>>
>> Just let us know!
>>
>> Tate
>>
>> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/18/2017 6:13:21 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: Call request with Governor Walker

1:45 Eastern?

Sent from my iPhone

On Aug 18, 2017, at 1:48 PM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

I am happy to check to see if there are better times. What are some times I could pitch to them?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 18, 2017 1:38 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call request with Governor Walker

Sorry to keep going back and forth on this, but it sounds like the Administrator is going to be in a place with bad cell service on Friday AM of next week. Are there some other dates/times you might suggest? Or later that day perhaps?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.
>
> Sent from my iPhone
>
> On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:
>
>> Hi Tate,
>>
>> I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**
>>
>> - 9:00am EST
>> - 9:30am EST
>> - 10:00am EST
>>
>> Please let me know if any of these times work or if you need more other information.
>>
>> Thank you!
>> Sally
>>
>> **Sally Fox**
>> *Federal Relations Assistant*
>> Office of Wisconsin Governor Scott Walker
>> sally.fox@wisconsin.gov

Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/21/2017 3:14:35 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: RE: Call request with Governor Walker

Let me check!

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 11:04 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

4:45 pm CST/5:45 pm EST tomorrow?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 11:02 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

He's recovering from surgery and can work around the Governor's schedule.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

There should be a chance. Do you have a few times on those days you can provide and I can check with my scheduling folks?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov

Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, August 21, 2017 10:57 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Call request with Governor Walker

Hey! Is there any chance he can do either tomorrow or Tuesday? Also, adding Troy Lyons and Preston Cory now handling the Governor's portfolio who would be staffing the call.

You are losing me but I'm not going far— just down the hall to head the Office of Public Engagement/ Business Outreach.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Monday, August 21, 2017 10:35 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just checking on these proposed time changes?

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Friday, August 18, 2017 2:44 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Would either of these times work for the same day?

3:15 – 3:30pm CT (4:15pm – 4:30pm ET)
4:40pm – 5:15pm CT (5:40pm – 6:15pm ET)

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, August 18, 2017 1:38 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call request with Governor Walker

Sorry to keep going back and forth on this, but it sounds like the Administrator is going to be in a place with bad cell service on Friday AM of next week. Are there some other dates/times you might suggest? Or later that day perhaps?

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 10:45 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call request with Governor Walker

Just gave you a ring, but the vmail box is full. Have some information for you that should help schedule the call with the Administrator. Please give me a call when you can.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, August 16, 2017 3:37 PM
To: Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
Cc: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: Re: Call request with Governor Walker

Waiver for which program?

Sent from my iPhone

On Aug 16, 2017, at 3:29 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

> Hi Tate- the state will likely submit the waiver requests within the next couple of days. Once they're received, the Governor would like to discuss them with Administrator Pruitt. I'm just trying to get the call scheduled ahead of time!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 16, 2017 3:23 PM
> **To:** Fox, Sally - GOV <Sally.Fox@wisconsin.gov>
> **Cc:** Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
> **Subject:** Re: Call request with Governor Walker
>
> Hi there-Can you clarify on which waver? He will be on the road next Friday but I'm sure we can work something in! Likely 10 Eastern. Copying our advance team for their input.

Sent from my iPhone

On Aug 16, 2017, at 2:16 PM, Fox, Sally - GOV <Sally.Fox@wisconsin.gov> wrote:

Hi Tate,

I am hoping to schedule a call between Governor Walker and Administrator Pruitt as a follow up to the waiver requests submitted by the state. The Governor has the following times available on **Friday, August 25th:**

- 9:00am EST
- 9:30am EST
- 10:00am EST

Please let me know if any of these times work or if you need more other information.

Thank you!
Sally

Sally Fox
Federal Relations Assistant
Office of Wisconsin Governor Scott Walker
sally.fox@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/29/2017 6:18:29 PM
To: Brianna.Lundeen@tn.gov; jim.henry@tn.gov
Subject: Re: Meeting August 7

Adding Jim as well and we could also make the 28th work, alternatively.

Sent from my iPhone

> On Jul 29, 2017, at 1:53 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details.
Ex. 6
>
> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/2/2017 1:18:02 AM
To: Reinke, Jody L. [jodyreinke@nd.gov]
Subject: Re: Meeting at EPA

Tentative 9:45 AM to 11:00 AM: WOTUS Round Table at NDSU

* Location: NDSU: Approved by NDSU, waiting on number of attendees for final room selection
* Host: Governor Burgum, ND Ag Commissioner Goehring (Federal delegation invited)

Sent from my iPhone

On Jul 28, 2017, at 10:21 AM, Reinke, Jody L. <jodyreinke@nd.gov> wrote:

Thank you

Jody L Reinke P.C.H.
Assistant to the Commissioner
North Dakota Dept of Agriculture
600 E Boulevard Ave
Bismarck, ND 58505
(Ex. 6
jodyreinke@nd.gov

"This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws."

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 28, 2017 9:10 AM
To: Reinke, Jody L. <jodyreinke@nd.gov>
Subject: RE: Meeting at EPA

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Jody-

I'm traveling with him this week and we are still working on the details. Sorry I can't provide more at this time, but I will let you know when I have additional details. The Governor's office may have an idea as they have been helpful in arranging.

Tate

From: Reinke, Jody L. [mailto:jodyreinke@nd.gov]
Sent: Friday, July 28, 2017 9:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Meeting at EPA

Tate,

My phone number is shown below!!!
Let me know the details please.
Kind regards,
Jody

Jody L Reinke P.C.H.
Assistant to the Commissioner
North Dakota Dept of Agriculture
600 E Boulevard Ave
Bismarck, ND 58505
Ex. 6
jodyreinke@nd.gov

"This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws."

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, July 05, 2017 4:16 PM
To: Reinke, Jody L. <jodyreinke@nd.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>
Subject: FW: Meeting at EPA

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Team ND! Can I give either of you a shout? Just let me know what number works best?

From: Goehring, Doug C. [mailto:goehring@nd.gov]
Sent: Friday, May 19, 2017 5:45 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; Konkus, John <konkus.john@epa.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>; Reinke, Jody L. <jodyreinke@nd.gov>
Subject: Re: Meeting at EPA

Tate,

Thank you for following up. I have CC'd Jody and Jessie, you can reach out to both of them when trying to reach me or need something.

Doug Goehring
North Dakota Agriculture Commissioner
Phone: Ex. 6
Fax: 701-328-4567
goehring@nd.gov
http://www.nd.gov/ndda

On May 19, 2017, at 8:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi there Commissioner!

I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.

Best.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Wagner, Kenneth
Sent: Friday, May 19, 2017 9:41 AM
To: goehring@nd.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Meeting at EPA

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/23/2017 8:39:12 PM
To: amatheson@utah.gov
Subject: Fwd: Follow up with Utah

Hey Alan! Is this what Erica was referring to? Maybe she can provide feedback if it is unsatisfactory?

Sent from my iPhone

Begin forwarded message:

> **From:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Date:** July 23, 2017 at 4:05:16 PM EDT
> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Subject: Follow up with Utah**
>
> The woman who was showing us around in Utah (I can't recall her name!) requested that we do a map with past JDs. Here is a website that is almost exactly what she wanted. Can you make sure she sees this?
>
> https://watersgeo.epa.gov/cwa/CWA-JDs/
>
> Thanks Tate!
>
> **Sarah A. Greenwalt**
> Senior Advisor to the Administrator
> for Water and Cross-Cutting Issues
>
> U.S. Environmental Protection Agency
> Work: 202-564-1722 | Cell: Ex. 6
> Greenwalt.Sarah@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/2/2017 1:11:18 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Sample Invite List for Aug 10

For sugar- can you do the beet processors? Growers too?

Sent from my iPhone

On Jul 31, 2017, at 8:58 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

No.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 31, 2017 7:36 PM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Re: Sample Invite List for Aug 10

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Any concerns w Farmers union alerting their national folks/ protesting/ announcing the event?

Sent from my iPhone

On Jul 31, 2017, at 4:09 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

Feedback welcome so I can start sending out invites tonight:

WOTUS:

1. Admin Pruitt
2. Gov Burgum
3. Cramer
4. Hoeven
5. Heitkamp
6. Ag Commissioner Goehring
7. Sugar Rep (can it be sugar beet growers or would you like specific company?)
8. NDSU President
9. NDSU Ag representative
10. State water engineer (speak to golf courses, construction development, etc)
11. ND Farum Bureau
12. ND Farmers Union
13. Stockman's Association
14. AG Stenehjem
15. AG Stenehjem's invite (for helping lead fight against WOTUS)
16. House Ag chair
17. Senate Ag chair
18. Lt. Gov

EERC:

1. Admin Pruitt
2. Gov
3. Cramer
4. Hoeven
5. Heitkamp
6. PSC Rep (Infrastructure)
7. UND President
8. EERC Rep
9. Ron Ness- Petroleum Council
10. Tyler Hammen- Lignite Energy Council
11. Mac McCleanan- Project Tundra
12. Senate ENR chair
13. House ENR chair
14. Lt. Gov
15. Tribal energy rep (likely MHA Chr Mark Fox)

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
701.328.1048 (w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/2/2017 1:10:01 AM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
Subject: Re: Meeting August 7

Can I try you in the morning? Today got away from me! If so, what time?

Sent from my iPhone

On Aug 1, 2017, at 5:29 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

Hey, Tate! I think the 28th will work on our end. What would this meeting look like (thinking through room options)?

Thank you,
Catherine

<image001.png>

Catherine Cromer|Scheduler to the Governor
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243
p.[Ex. 6]
catherine.cromer@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 31, 2017 8:42 AM
To: Brianna Lundeen
Cc: Catherine Cromer
Subject: RE: Meeting August 7

Thanks. Would the 28th be a possibility actually, instead of the 7th? Perhaps around noon?

From: Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
Sent: Monday, July 31, 2017 8:53 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Catherine Cromer <Catherine.Cromer@tn.gov>
Subject: Re: Meeting August 7

Hi Tate,

I am no longer in the scheduling office but I am copying Catherine here. She will be in touch soon to set this up.

Thank you,
Brianna

Brianna Lundeen | Policy & Communications Aide
State Capitol, Ground Floor
600 Charlotte Ave., Nashville, TN 37243

o. Ex. 6 m. Ex. 6

On Jul 29, 2017, at 12:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Brianna- would the Governor be available to meet with Pruitt in your state capitol mid day on Monday, August 7? This would be on WOTUS and as part of our state action tour. Give me a call for more details. Ex. 6
>
> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/4/2017 7:04:01 PM
To: McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
CC: lebachmeier@nd.gov
Subject: Re: Fargo to Grand Forks, ND State Plane

Adding Levi

Sent from my iPhone

On Aug 4, 2017, at 11:17 AM, McMurray, Forrest <mcmurray.forrest@epa.gov> wrote:

> Do we have any information about the state plane the Administrator is taking from Fargo, ND to Grand forks, ND next week?
>
> Forrest McMurray
> Scheduling and Advance
> U.S. EPA
> Office: 202-564-5088
> Cell: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/18/2017 12:45:35 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: List

Thanks!

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Tuesday, July 18, 2017 8:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Fwd: List

Here is the list of those who have indicated they will attend the round table. Let me know if you need anything else.

Sent from my iPhone

Begin forwarded message:

> **From:** Jenny Potter <jmpotter@utah.gov>
> **Date:** July 18, 2017 at 6:39:11 AM MDT
> **To:** Alan Matheson <amatheson@utah.gov>
> **Subject: List**

EPA Meeting

Alan Matheson - Executive Director DEQ
Erica Gaddis - Director DWQ
Ross Ford - Executive Officer Utah Home Builders Association
Jason Gipson - Chief USACE
LuAnn Adams - Commissioner Utah Dept of Agriculture
Scott Ericson - Deputy Commissioner Utah Dept of Agriculture
Jay Olsen - Environmental Specialist UDAF
Ron Gibson - President Utah Farm Bureau
Lee Peacock - President Utah Petroleum Association
Margaret Dayton - Utah State Representative
John Baza - Director Division of Oil, Gas and Mining
Mike Styler - Executive Director Department of Natural Resources
Rob Simmons - Deputy Director Governors Office of Energy
David Ure - Director Department of Public Lands
Joanna MacKay-Slaon UAR Government Affairs Director Utah Realtors Association
Ron Dean Natural Resource Counsel on behalf of Orrin Hatch
Robert Axson State Director on behalf of Mike Lee
Laurel Price District Director on behalf of Mia Love
Peter Jenks, District Director on behalf of Rob Bishop

Brian Steed Chief of Staff on behalf of Chris Stewart
Steve Osguthorpe - Sheep rancher
Randy Parker Vice President Utah Farm Bureau
Justin Harding Chief of Staff Governor's Office
Mike Mower - Deputy Chief of Staff Governor's office
Paul Edwards - Deputy Chief of Staff Governor's office
Scott Baird - Deputy Director DEQ

This is who have RSVP I attached the full list for you just in case you needed it for anything else.

Thanks
Jen

Jenny M. Potter, CPM | Executive Assistant | GRAMA Officer/Notary Public
Executive Directors Office
Phone: Ex. 6
Office Hours Monday - Friday 6:30 AM - 3:30 PM
Website | **Blog** | **Facebook** | **LinkedIn**

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/9/2017 8:19:10 PM
To: lebachmeier@nd.gov
Subject: Mailing addresses

Any good ones for both you and the governor.

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/21/2017 3:02:53 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: FW: More Information

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, August 18, 2017 11:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: More Information

DATCP - Wetland Delineations and Regulations for Federal and State Wetland and Waterway Determinations and Permits

DNR
- States Rights and delegating more authority back down to the states?
- NAAQS – Sheboygan
- Consistent interpretation across all jurisdictions
- Wetland Review Timelines involvement with Corp

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 3:50:07 PM
To: Sayer, Matthias, EMNRD [MatthiasL.Sayer@state.nm.us]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Re: Dave Ross Quote

Thank you!

Sent from my iPhone

On Jul 17, 2017, at 11:48 AM, Sayer, Matthias, EMNRD <MatthiasL.Sayer@state.nm.us> wrote:

I am putting something together and will have it to you shortly…

Matthias Sayer
Deputy Cabinet Secretary
New Mexico Energy Minerals & Natural Resource Department
Office: Ex. 6
Fax: Ex. 6

<image001.png>

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From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 3:29 PM
To: Sayer, Matthias, EMNRD <MatthiasL.Sayer@state.nm.us>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Dave Ross Quote

Deputy Cabinet Secretary-

I wanted to reach out to you regarding a quote for David Ross. Thanks for being willing to help! The following is being used by another state's DEQ and will serve as an example:

"Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Do you think this is something you might be able to provide us with ASAP?

Let me know if you have any questions. My cell is Ex. 6 Feel free to call any time including over the weekend.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/1/2017 1:53:40 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Sample Invite List for Aug 10

Thanks! I'll double check with Troy but the list is good to go from our perspective.

Sent from my iPhone

On Jul 31, 2017, at 8:58 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

No.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 31, 2017 7:36 PM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Subject: Re: Sample Invite List for Aug 10

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Any concerns w Farmers union alerting their national folks/ protesting/ announcing the event?

Sent from my iPhone

On Jul 31, 2017, at 4:09 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

Feedback welcome so I can start sending out invites tonight:

WOTUS:

1. Admin Pruitt
2. Gov Burgum
3. Cramer
4. Hoeven
5. Heitkamp
6. Ag Commissioner Goehring
7. Sugar Rep (can it be sugar beet growers or would you like specific company?)
8. NDSU President
9. NDSU Ag representative
10. State water engineer (speak to golf courses, construction development, etc)
11. ND Farum Bureau
12. ND Farmers Union
13. Stockman's Association
14. AG Stenehjem
15. AG Stenehjem's invite (for helping lead fight against WOTUS)
16. House Ag chair
17. Senate Ag chair
18. Lt. Gov

EERC:

1. Admin Pruitt
2. Gov
3. Cramer
4. Hoeven
5. Heitkamp
6. PSC Rep (Infrastructure)
7. UND President
8. EERC Rep
9. Ron Ness- Petroleum Council
10. Tyler Hammen- Lignite Energy Council
11. Mac McCleanan- Project Tundra
12. Senate ENR chair
13. House ENR chair
14. Lt. Gov
15. Tribal energy rep (likely MHA Chr Mark Fox)

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/29/2017 5:56:31 PM
To: Tom Womack [Tom.Womack@tn.gov]
Subject: Re: Tennessee Visit to DC

Just tried you. Call me back at Ex. 6 Looking to do an in state visit on WOTUS with the Governor and relevant officials on either the 7th or the 28th of August. I emailed Brianna in the Governor's office just now.

Sent from my iPhone

On Jul 27, 2017, at 12:50 PM, Tom Womack <Tom.Womack@tn.gov> wrote:

> Sure, feel free to call my cell Ex. 6
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Thursday, July 27, 2017 10:29 AM
> **To:** Tom Womack
> **Subject:** Re: Tennessee Visit to DC
>
> Tom- can I give you a quick call?
>
> Sent from my iPhone
>
> On Jul 10, 2017, at 1:45 PM, Tom Womack <Tom.Womack@tn.gov> wrote:
>
>> We are at security desk.
>>
>> Sent from my iPhone
>>
>> On Jul 7, 2017, at 11:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>>> Not sure if I responded but 3 is good Monday.
>>>
>>> On Jul 6, 2017, at 12:27 PM, Tom Womack <Tom.Womack@tn.gov> wrote:
>>>
>>>> Tate, thanks so much for the quick response. Is it possible to do 3 p.m. Monday. We are at USDA until 2:30 and that would give us a little extra time to get to your offices. Yes, we would welcome an opportunity to meet with any staff who are available. We may also bring a staff member from the National Association of State Departments of Agriculture if that is okay.
>>>>
>>>> Thanks again,
>>>>
>>>> <image001.png>
>>>> **TOM WOMACK** | Deputy Commissioner
>>>> Department of Agriculture
>>>> Ellington Agricultural Center
>>>> 440 Hogan Road, Nashville, TN 37220
>>>> Ex. 6

tom.womack@tn.gov
www.tn.gov/agriculture

All emails and attachments sent and received from this email address related to the official business of the Tennessee Department of Agriculture are subject to the Tennessee Public Records Act. Unless the content of an email or attachment is subject to a specific exception in the public records act, emails and attachments sent to and from this agency should be presumed to be open to public inspection and maintained pursuant to applicable retention requirements.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, July 06, 2017 11:22 AM
To: Tom Womack
Cc: Larry Maxwell; Cheatham-Strickland, Latonia
Subject: RE: Tennessee Visit to DC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We

wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

<image001.png>
TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

All emails and attachments sent and received from this email address related to the official business of the Tennessee Department of Agriculture are subject to the Tennessee Public Records Act. Unless the content of an email or attachment is subject to a specific exception in the public records act, emails and attachments sent to and from this agency should be presumed to be open to public inspection and maintained pursuant to applicable retention requirements.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 3:21:17 PM
To: Catherine Cromer [Catherine.Cromer@tn.gov]
CC: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
Subject: Re: Call with Pruitt Monday?

Kell will follow up with a few questions if that's ok. Thanks!

Sent from my iPhone

On Jul 17, 2017, at 9:40 AM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:

> Thank you, Kell!
>
> On Jul 17, 2017, at 7:19 AM, Kelly, Albert <kelly.albert@epa.gov> wrote:
>
> > This is a site in Memphis called Former Custom Cleaners. It has the potential to contaminate 22 nearby municipal drinking water supplies
> >
> > Albert Kelly
> > Senior Advisor to the Administrator
> > 1200 Pennsylvania Avenue, NW
> > Washington, DC 20460
> > Ex. 6
> >
> > **From:** Catherine Cromer [mailto:Catherine.Cromer@tn.gov]
> > **Sent:** Sunday, July 16, 2017 9:22 PM
> > **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> > **Cc:** Brianna Lundeen <Brianna.Lundeen@tn.gov>; Janet McGaha <Janet.McGaha@tn.gov>; Kelly, Albert <kelly.albert@epa.gov>
> > **Subject:** Re: Call with Pruitt Monday?
> >
> > Thank you, Tate!
> >
> > On Jul 16, 2017, at 8:04 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > Adding Kell as he knows the site location. It's just one site.
> > >
> > > Sent from my iPhone
> > >
> > > On Jul 16, 2017, at 7:05 PM, Catherine Cromer <Catherine.Cromer@tn.gov> wrote:
> > >
> > > > Good afternoon, Tate!
> > > >
> > > > Would you be able to send me more information about the NPL sites in Tennessee that Administrator Pruitt would like to discuss?

Thank you,
Catherine

From: Brianna Lundeen
Sent: Sunday, July 16, 2017 12:36 PM
To: Bennett, Tate
Cc: Janet McGaha; Catherine Cromer
Subject: Re: Call with Pruitt Monday?

Thank you,
Brianna

On Jul 16, 2017, at 7:50 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> He can call the following number and it will be myself and Kell Kelly on the line with him. 202-329-3948.
>
> Sent from my iPhone
>
> On Jul 16, 2017, at 6:35 AM, Brianna Lundeen <Brianna.Lundeen@tn.gov> wrote:
>
>> Good morning,
>>
>> Do you all have the number we can give Governor Haslam to call tomorrow?
>>
>> Thank you,
>> Brianna
>>
>> On Jul 14, 2017, at 3:25 PM, Brianna Lundeen <Brianna.Lundeen@tn.gov> wrote:
>>
>>> Tate,
>>>
>>> The govern or will be travelin g so it would be best for him to place the call. Who

should he call?

The POC would be this email with Janet McGaha and Catherine Cromer on it.

Thank you, Brianna

From: Brianna Lundeen
Sent: Friday, July 14, 2017 1:22 PM
To: 'Bennett, Tate'; Morris, Madeline
Subject: RE: Call with Pruitt Monday?

11:10 ET will be great. I am checking on the number as the

govern or will not be in the office.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, July 14, 2017 11:50 AM
To: Brianna Lundeen; Morris, Madeline
Subject: RE: Call with Pruitt Monday?

Any chance he can do 11:10 now? Sorry to move the goalpost! Is there a good number where we can call you all actually (we are doing a

few calls to Governors in a row so that might be best). May I also get a good POC for the phone call?

From: Brianna Lundeen [mailto:Brianna.Lundeen@tn.gov]
Sent: Friday, July 14, 2017 11:05 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>
Subject: RE: Call with Pruitt Monday?

Hi Tate,

Governor Haslam is available on Monday, July 17th at 10:45 a.m. ET for this call. What is the best number for him to call?

Thank you,
Brianna

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: July 14, 2017 at 8:39:51 AM CDT
To: "jim.henry@tn.gov" <jim.henry@tn.gov>
Cc: "Morris

,
Madeline"
<morris.madeline@epa.gov>
Subject: Call with Pruitt Monday?

Jim-

Apologies to both here if you are at NGA (and

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Tate

Elizabeth Tate Bennett Senior Deputy Associate Administ

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Administrator U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/18/2017 12:12:30 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bachmeier, Levi [lebachmeier@nd.gov]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: DRAFT Plan ...

This might be an offline conversation, but we are good to go still (I'm sure Jahan shared) regardless of whether the Senate is in session or not.

Levi, on the road today but I will get back to you this evening r.e. stakeholders. This looks great!

From: Wilcox, Jahan
Sent: Tuesday, July 18, 2017 8:09 AM
To: Bachmeier, Levi <lebachmeier@nd.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: DRAFT Plan ...

Just be us with Kevin W. Adding my colleagues to this. Any additional details including who you want at the stakeholder meeting would be appreciated.

On Jul 17, 2017, at 11:13 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Looks good. Will discuss with JoDee. Would Wallevand be joint interview or just Pruitt? What would you do from 3-5p before you go to the airport? Thanks for your continued work on this.
>
> ---
>
> **From:** Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
> **Sent:** Monday, July 17, 2017 3:58 PM
> **To:** Bachmeier, Levi <lebachmeier@nd.gov>
> **Subject:** DRAFT Plan ...
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Below is our tentative schedule that we are working with Levi and Mike on.
>
> **8:00 PM: Dinner with Governor Doug Burgman**
>
> - Location: 300 Broadway, Fargo, ND (Burgum's Condo) or another location
>
> **RON:** Fargo, ND
> Hotel Donaldson- 100 Broadway, Fargo, ND

Wed AUG 9: FARGO & GRAND FORKS, NORTH DAKOTA

9:00 AM- 9:25 AM: Live interview with Scott Hennen & Doug Burgum

- Location: 3300 South University Drive, Fargo, ND
- Focus: EPA's Back to Basics Agenda

9:45 AM to 11:00 AM: WOTUS Round Table at NDSU

- Location: NDSU College of Agriculture 1340 Administration Avenue
- Host: Governor Burgum, ND Ag Commissioner Goehring
- Media Markets:
- Media Attendees:

11:00 AM to 11:15 AM: Recorded interview with WDAY-TV's Kevin Wallevand

- Location: NDSU College of Agriculture 1340 Administration Avenue
- Focus:

11:30-12:30 PM: Catered Lunch

- Location: Loretta Building (Burgum's Office) - 210 Broadway, Fargo, ND

12:30 PM- 1:00 PM: ***Flight with Governor Burgum to Grand Forks:*** *30 mins*

1:45 PM- 3:00 PM:
Tour & Round Table at University of North Dakota's Energy and Environmental Research Center

- Location: 15 North 23rd Street, Grand Forks, ND
- Focus: Energy
- Host: Governor Doug Burgum, Senator Hoeven, Congressman Cramer and UND President former Congressman Mark Kennedy (R)
- Media Market: Grand Forks, Fargo and Bismarck
- Media Attendees:

Drive Time: *15 mins*
Depart: *Grand Forks at 6:01 PM* ***Arrive:*** *Tulsa at 10:36 PM via Delta*

RON: Tulsa, OK

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6
Work Email: wilcox.jahan@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/2/2017 4:52:51 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Sugar Contacts

In Indiana w Pruitt. Call you when this lets out

Sent from my iPhone

On Aug 2, 2017, at 12:23 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Just tried to call. Give me a ring when you have a chance.
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 2, 2017 10:43 AM
> **To:** Cassie Bladow <cassie.bladow@beetsugar.org>
> **Cc:** Bachmeier, Levi <lebachmeier@nd.gov>
> **Subject:** Re: Sugar Contacts
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Thanks! Copying Levi.
>
> Sent from my iPhone
>
> On Aug 2, 2017, at 11:42 AM, Cassie Bladow <cassie.bladow@beetsugar.org> wrote:
>
> > Hi Tate,
> >
> > Thanks for reaching out. As discussed, below are the contacts for both American Crystal Sugar Company and Minn-Dak Farmers Coop.
> >
> > Kevin Price - kprice@crystalsugar.com
> > Kurt Wickstrom - kwickstrom@mdf.coop
> > Rick Kasper - rkasper@mdf.coop
> >
> > Thank you,
> >
> > **Cassie Bladow**
> > U.S. Beet Sugar Association
> > 50 F Street, NW, Suite 675
> > Washington, DC 20001
> > Ex. 6
> > <image001.jpg>

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 7/17/2017 2:47:24 PM
To: matt.miltenberger@nebraska.gov
Subject: Running behind 5

Will only be a 5 call.

Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 7:34:12 PM
To: Alan Matheson [amatheson@utah.gov]
CC: Cody Stewart [codystewart@utah.gov]
Subject: Re: Please invite AG Reyes

Thanks for reaching out.

Sent from my iPhone

On Jul 17, 2017, at 3:16 PM, Alan Matheson <amatheson@utah.gov> wrote:

> Just spoke with the AGs assistant. She said General Reyes is aware of the meeting and planning to attend.
>
> Sent from my iPhone
>
> On Jul 17, 2017, at 12:29 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> It is my understanding he has not received information about the meeting and/or roundtable. He is friends with Pruitt and Pruitt would like for him to attend if that is possible. Let me know if that is OK? -Tate
>>
>> Elizabeth Tate Bennett
>> Senior Deputy Associate Administrator
>> Congressional and Intergovernmental Affairs
>> Office of the Administrator
>> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/6/2017 9:43:05 PM
To: McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]
CC: lebachmeier@nd.gov
Subject: Re: Dinner with ND Governor

Hey Levi! Do you have a good address?

Sent from my iPhone

On Aug 6, 2017, at 5:02 PM, McMurray, Forrest <mcmurray.forrest@epa.gov> wrote:

> Did we confirm a location for this dinner?
>
> Forrest McMurray
> Scheduling and Advance
> U.S. EPA
> Office: 202-564-5088
> Cell: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/1/2017 12:35:35 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Sample Invite List for Aug 10

Any concerns w Farmers union alerting their national folks/ protesting/ announcing the event?

Sent from my iPhone

On Jul 31, 2017, at 4:09 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

Feedback welcome so I can start sending out invites tonight:

WOTUS:

1. Admin Pruitt
2. Gov Burgum
3. Cramer
4. Hoeven
5. Heitkamp
6. Ag Commissioner Goehring
7. Sugar Rep (can it be sugar beet growers or would you like specific company?)
8. NDSU President
9. NDSU Ag representative
10. State water engineer (speak to golf courses, construction development, etc)
11. ND Farum Bureau
12. ND Farmers Union
13. Stockman's Association
14. AG Stenehjem
15. AG Stenehjem's invite (for helping lead fight against WOTUS)
16. House Ag chair
17. Senate Ag chair
18. Lt. Gov

EERC:

1. Admin Pruitt
2. Gov
3. Cramer
4. Hoeven
5. Heitkamp
6. PSC Rep (Infrastructure)
7. UND President
8. EERC Rep
9. Ron Ness- Petroleum Council
10. Tyler Hammen- Lignite Energy Council
11. Mac McCleanan- Project Tundra
12. Senate ENR chair
13. House ENR chair
14. Lt. Gov
15. Tribal energy rep (likely MHA Chr Mark Fox)

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/4/2017 4:06:49 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
CC: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: Re: Menu and Allergies

2 staffers. Lincoln and Sarah, can you provide bios to Levi?

Sent from my iPhone

On Aug 4, 2017, at 10:01 AM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Will there be 1 or 2 staffers joining Admin on Tuesday night? Would like bios or titles if no bios.
>
> Will forward these menu requests for Wednesday now. Thanks!
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, August 4, 2017 10:49 AM
> **To:** Bachmeier, Levi <lebachmeier@nd.gov>
> **Subject:** Fwd: Menu and Allergies
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Thanks! 3 below
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
> > **Date:** August 4, 2017 at 9:22:41 AM MDT
> > **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> > **Cc:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> > **Subject: Re: Menu and Allergies**
> >
> > For the Administrator:
> > Iceberg wedge salad
> > Asian pork tacos
> >
> > For me:
> > House salad
> > Asian pork tacos
> >
> > Thank you!

Sent from my iPhone

On Aug 4, 2017, at 9:09 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Thanks! Lincoln can you get Pruitt's order too?
>
> Sent from my iPhone
>
> On Aug 4, 2017, at 9:08 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
>> House made salsa and guacamole, and a taco salad (dressing on the side). Please and thank you Tate.
>>
>> Sent from my iPhone
>>
>> On Aug 4, 2017, at 9:01 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>>> Send me your meal plan.
>>>
>>> Sent from my iPhone
>>>
>>> Begin forwarded message:
>>>
>>>> **From:** "Bachmeier, Levi" <lebachmeier@nd.gov>
>>>> **Date:** August 2, 2017 at 8:03:08 PM MDT
>>>> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
>>>> **Subject: Menu and Allergies**
>>>>
>>>> http://boilerroomfargo.com/menus/ Let me know what the admin would like for lunch.
>>>>
>>>> Planning dinner Tuesday. Does he have any allergies/dietary restrictions?
>>>>
>>>> Levi Bachmeier
>>>>
>>>> Policy Advisor
>>>> Office of the Governor
>>>> Ex. 6 (c)
>>>> (w)

lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/2/2017 3:43:20 PM
To: Cassie Bladow [cassie.bladow@beetsugar.org]
CC: lebachmeier@nd.gov
Subject: Re: Sugar Contacts

Thanks! Copying Levi.

Sent from my iPhone

On Aug 2, 2017, at 11:42 AM, Cassie Bladow <cassie.bladow@beetsugar.org> wrote:

> Hi Tate,
>
> Thanks for reaching out. As discussed, below are the contacts for both American Crystal Sugar Company and Minn-Dak Farmers Coop.
>
> Kevin Price - kprice@crystalsugar.com
> Kurt Wickstrom - kwickstrom@mdf.coop
> Rick Kasper - rkasper@mdf.coop
>
> Thank you,
>
> **Cassie Bladow**
> U.S. Beet Sugar Association
> 50 F Street, NW, Suite 675
> Washington, DC 20001
> Ex. 6
> <image001.jpg>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/3/2017 3:55:00 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Menu and Allergies

Just landed in Denver. Haven't forgotten you! I'll run this down and will buzz you in the AM re the other issue.

Sent from my iPhone

On Aug 2, 2017, at 8:04 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> http://boilerroomfargo.com/menus/ Let me know what the admin would like for lunch.
>
> Planning dinner Tuesday. Does he have any allergies/dietary restrictions?
>
> Levi Bachmeier
>
> Policy Advisor
> Office of the Governor
>
> Ex. 6 (c)
> (w)
> lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/6/2017 1:56:11 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Flight

Thank you!

Sent from my iPhone

On Aug 5, 2017, at 10:08 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> Perfect. Working on locking down venue. We'll add a 1230-115 stop. I'll send line by line ASAP.
>
> Sent from my iPhone
> Please excuse my brevity
>
> On Aug 5, 2017, at 18:31, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
>>
>> He's good if we add the stop at 12:30
>>
>> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/4/2017 3:48:46 PM
To: lebachmeier@nd.gov
Subject: Fwd: Menu and Allergies

Thanks! 3 below

Sent from my iPhone

Begin forwarded message:

> **From:** "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
> **Date:** August 4, 2017 at 9:22:41 AM MDT
> **To:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Cc:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Subject: Re: Menu and Allergies**
>
> For the Administrator:
> Iceberg wedge salad
> Asian pork tacos
>
> For me:
> House salad
> Asian pork tacos
>
> Thank you!
>
> Sent from my iPhone
>
> On Aug 4, 2017, at 9:09 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Thanks! Lincoln can you get Pruitt's order too?
>>
>> Sent from my iPhone
>>
>> On Aug 4, 2017, at 9:08 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>>
>>> House made salsa and guacamole, and a taco salad (dressing on the side). Please and thank you Tate.
>>>
>>> Sent from my iPhone
>>>
>>> On Aug 4, 2017, at 9:01 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>
>>>> Send me your meal plan.
>>>>
>>>> Sent from my iPhone
>>>>
>>>> Begin forwarded message:

From: "Bachmeier, Levi"
<lebachmeier@nd.gov>
Date: August 2, 2017 at 8:03:08 PM MDT
To: "Bennett, Tate"
<Bennett.Tate@epa.gov>
Subject: Menu and Allergies

http://boilerroomfargo.com/menus/
Let me know what the admin would like for lunch.

Planning dinner Tuesday. Does he have any allergies/dietary restrictions?

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/25/2017 6:46:45 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Subject: RE: potential instate event?

Just saw this. Are you free now?

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Tuesday, July 25, 2017 2:16 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: potential instate event?

Finishing up a lunch meeting at RGA. Can I call you in 30 min?

Sent from my iPhone

On Jul 25, 2017, at 11:35 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Tried you earlier. 2023293948
>
> Sent from my iPhone
>
> On Jul 25, 2017, at 10:06 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
> > Yes. My cell is Ex. 6
> >
> > Sent from my iPhone
> >
> > On Jul 25, 2017, at 8:03 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > Nice! Can I give you a shout when you have a second?
> > >
> > > Sent from my iPhone
> > >
> > > On Jul 25, 2017, at 9:40 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
> > >
> > > > Aug 24th should work. Adding the Governor's scheduler to the email.
> > > >
> > > > Sent from my iPhone
> > > >
> > > > On Jul 25, 2017, at 4:29 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Apologies! 24th of August**

Sent from my iPhone

On Jul 25, 2017, at 6:28 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> The 23rd of August?
>
> Thank for the heads up! Had heard through the grapevine. I may not be in D.C that day, but we will definitely have an appointee on our team coordinate with and escort you all through the visit.
>
> Does the Governor prefer/would he like a meeting to see Pruitt as well?
>
> Tate
>
> Sent from my iPhone
>
> On Jul 25, 2017, at 1:25 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>
>> Tate-
>>
>> The Governor is on a trade mission to Canada that week. We can be pretty flexible

outside that week.

On another note, wanted to make sure you knew Gov Ricketts is planning to be in DC for the RFS hearing

Matt

Sent from my iPhone

On Jul 24, 2017, at 9:10 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi Team NE.

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Ex. 6

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 8/11/2017 1:45:07 AM
To: Bachmeier, Levi [lebachmeier@nd.gov]
Subject: Re: Mailing addresses

Good catch!! NE

Sent from my iPhone

On Aug 10, 2017, at 6:41 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:

> NW? NE?
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Wednesday, August 9, 2017 3:59 PM
> **To:** Bachmeier, Levi <lebachmeier@nd.gov>
> **Subject:** Re: Mailing addresses
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> That's a great question. 819 D St, #11 WDC 20002
>
> Sent from my iPhone
>
> On Aug 9, 2017, at 3:22 PM, Bachmeier, Levi <lebachmeier@nd.gov> wrote:
>
>> Governor's Office
>> 600 E Boulevard Ave
>> Bismarck, ND 58505
>>
>> How about for you?
>>
>> Sent from my iPhone
>> Please excuse my brevity
>>
>> On Aug 9, 2017, at 15:19, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>>> ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
>>>
>>> Any good ones for both you and the governor.
>>>
>>> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/31/2017 9:07:17 PM
To: Bachmeier, Levi [lebachmeier@nd.gov]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Sample Invite List for Aug 10

Adding Troy with Congressional to verify, but good on my end.

From: Bachmeier, Levi [mailto:lebachmeier@nd.gov]
Sent: Monday, July 31, 2017 4:08 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Sample Invite List for Aug 10

Feedback welcome so I can start sending out invites tonight:

WOTUS:

1. Admin Pruitt
2. Gov Burgum
3. Cramer
4. Hoeven
5. Heitkamp
6. Ag Commissioner Goehring
7. Sugar Rep (can it be sugar beet growers or would you like specific company?)
8. NDSU President
9. NDSU Ag representative
10. State water engineer (speak to golf courses, construction development, etc)
11. ND Farum Bureau
12. ND Farmers Union
13. Stockman's Association
14. AG Stenehjem
15. AG Stenehjem's invite (for helping lead fight against WOTUS)
16. House Ag chair
17. Senate Ag chair
18. Lt. Gov

EERC:

1. Admin Pruitt
2. Gov
3. Cramer
4. Hoeven
5. Heitkamp
6. PSC Rep (Infrastructure)
7. UND President
8. EERC Rep
9. Ron Ness- Petroleum Council
10. Tyler Hammen- Lignite Energy Council
11. Mac McCleanan- Project Tundra

12. Senate ENR chair
13. House ENR chair
14. Lt. Gov
15. Tribal energy rep (likely MHA Chr Mark Fox)

Levi Bachmeier

Policy Advisor
Office of the Governor

Ex. 6 (c)
(w)
lebachmeier@nd.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 1:06:55 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Subject: RE: Call with staff next Monday

You told me that already- apologies!

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Monday, July 17, 2017 9:04 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call with staff next Monday

The Governor is doing his weekly press conference at that time and the advisory has already gone out for it.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 17, 2017 8:03 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Call with staff next Monday

Is there any chance we can move the call up to 11? If not, no worries.

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Friday, July 14, 2017 6:26 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: Call with staff next Monday

The best number to reach the Governor is his cell phone: Ex. 6

Sent from my iPhone

On Jul 14, 2017, at 3:41 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Is there a good number where we can call you all at 10:45?
>
> ---
>
> **From:** Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
> **Sent:** Friday, July 14, 2017 11:07 AM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
> **Subject:** Re: Call with staff next Monday
>
> How long do you expect the call to last? I think 10:45 am ET will be best but he has something at 11.
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 9:30 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> That would be awesome. We can do anytime between 10:45 and 11:45 Est. Let me know.

Sent from my iPhone

On Jul 14, 2017, at 10:15 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Tate-
>
> The Governor is available by phone next week if you'd like to do a call with him.
>
> Matt
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 8:52 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Matt and Lauren-
>>
>> Sorry for blowing you all up this week! Separate issue below:
>>
>> Pruitt is calling a handful of specific Governors on NPL proposed sites on Monday. Since the Gov. is away next week, could you help me connect with the best POC on your team for Kell Kelly (cc'd) to reach out to on the staff level either today or Monday?
>>
>> Thanks for your help!
>>
>> Tate
>>
>> Elizabeth Tate Bennett
>> Senior Deputy Associate Administrator
>> Congressional and Intergovernmental Affairs
>> Office of the Administrator
>> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 1:06:16 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Subject: RE: Call with staff next Monday

Thanks! Just checking.

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Monday, July 17, 2017 9:04 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Call with staff next Monday

The Governor is doing his weekly press conference at that time and the advisory has already gone out for it.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, July 17, 2017 8:03 AM
To: Miltenberger, Matt <matt.miltenberger@nebraska.gov>
Subject: RE: Call with staff next Monday

Is there any chance we can move the call up to 11? If not, no worries.

From: Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
Sent: Friday, July 14, 2017 6:26 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: Call with staff next Monday

The best number to reach the Governor is his cell phone: Ex. 6

Sent from my iPhone

On Jul 14, 2017, at 3:41 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Is there a good number where we can call you all at 10:45?
>
> ---
>
> **From:** Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
> **Sent:** Friday, July 14, 2017 11:07 AM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
> **Subject:** Re: Call with staff next Monday
>
> How long do you expect the call to last? I think 10:45 am ET will be best but he has something at 11.
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 9:30 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> That would be awesome. We can do anytime between 10:45 and 11:45 Est. Let me know.

Sent from my iPhone

On Jul 14, 2017, at 10:15 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> Tate-
>
> The Governor is available by phone next week if you'd like to do a call with him.
>
> Matt
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 8:52 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Matt and Lauren-
>>
>> Sorry for blowing you all up this week! Separate issue below:
>>
>> Pruitt is calling a handful of specific Governors on NPL proposed sites on Monday. Since the Gov. is away next week, could you help me connect with the best POC on your team for Kell Kelly (cc'd) to reach out to on the staff level either today or Monday?
>>
>> Thanks for your help!
>>
>> Tate
>>
>> Elizabeth Tate Bennett
>> Senior Deputy Associate Administrator
>> Congressional and Intergovernmental Affairs
>> Office of the Administrator
>> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/19/2017 2:40:11 AM
To: Nephi Cole [nephi.cole@wyo.gov]
CC: David Ross [uwdavidross@gmail.com]
Subject: Re: Recommendation for Dave Ross

Let's just lay low. No issue based on wording. Reread it. Just reads like a rec letter, which they get 10000 a day of.

Sent from my iPhone

On Jul 18, 2017, at 3:57 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

> Tate,
>
> Please see the attached letter regarding Mr. Dave Ross.
>
> ---------- Forwarded message ----------
> From: **Tatum Soto** <tatum.soto@wyo.gov>
> Date: Thu, Jul 13, 2017 at 9:03 AM
> Subject: Recommendation for Dave Ross
> To: Nephi Cole <nephi.cole@wyo.gov>, Dalena Phipps <dalena.phipps@wyo.gov>
>
> Attached is final letter sent USPS 7/13/17
>
> Tatum
>
> --
> **Tatum Soto**
> Executive Assistant to the Governor
> Office of Governor Matthew H. Mead
> State of Wyoming
> 2323 Carey Avenue
> Cheyenne, WY 82002
> Phone: Ex. 6
> Email: tatum.soto@wyo.gov
>
> E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.
>
> --

Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Office: Ex. 6
Cell: Ex. 6
Fax: Ex. 6

E-Mail to and from me, in connection with the transaction
of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

<20170710 VF LTR Recommend-Dave Ross for EPA to Barrasso and Carper NC-MHMdp.pdf>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/28/2017 2:10:11 PM
To: Reinke, Jody L. [jodyreinke@nd.gov]
Subject: RE: Meeting at EPA

Hi Jody-

I'm traveling with him this week and we are still working on the details. Sorry I can't provide more at this time, but I will let you know when I have additional details. The Governor's office may have an idea as they have been helpful in arranging.

Tate

From: Reinke, Jody L. [mailto:jodyreinke@nd.gov]
Sent: Friday, July 28, 2017 9:58 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Meeting at EPA

Tate,
My phone number is shown below!!!
Let me know the details please.
Kind regards,
Jody

Jody L Reinke P.C.H.
Assistant to the Commissioner
North Dakota Dept of Agriculture
600 E Boulevard Ave
Bismarck, ND 58505
Ex. 6
jodyreinke@nd.gov

"This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws."

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, July 05, 2017 4:16 PM
To: Reinke, Jody L. <jodyreinke@nd.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>
Subject: FW: Meeting at EPA

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Team ND! Can I give either of you a shout? Just let me know what number works best?

From: Goehring, Doug C. [mailto:goehring@nd.gov]
Sent: Friday, May 19, 2017 5:45 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; Konkus, John <konkus.john@epa.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>; Reinke, Jody L. <jodyreinke@nd.gov>
Subject: Re: Meeting at EPA

Tate,

Thank you for following up. I have CC'd Jody and Jessie, you can reach out to both of them when trying to reach me or need something.

Doug Goehring
North Dakota Agriculture Commissioner
Phone: Ex. 6
Fax: Ex. 6
goehring@nd.gov
http://www.nd.gov/ndda

On May 19, 2017, at 8:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Hi there Commissioner!
>
> I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.
>
> Best.
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** Wagner, Kenneth
> **Sent:** Friday, May 19, 2017 9:41 AM
> **To:** goehring@nd.gov
> **Cc:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** Meeting at EPA
>
> Commissioner Goehring:
>
> Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.
>
> Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/19/2017 1:33:46 AM
To: Nephi Cole [nephi.cole@wyo.gov]
Subject: Re: Recommendation for Dave Ross

Has this been sent???? Please hold as he has not been nominated officially yet.

Sent from my iPhone

On Jul 18, 2017, at 3:57 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

Tate,

Please see the attached letter regarding Mr. Dave Ross.

---------- Forwarded message ----------
From: **Tatum Soto** <tatum.soto@wyo.gov>
Date: Thu, Jul 13, 2017 at 9:03 AM
Subject: Recommendation for Dave Ross
To: Nephi Cole <nephi.cole@wyo.gov>, Dalena Phipps <dalena.phipps@wyo.gov>

Attached is final letter sent USPS 7/13/17

Tatum

--
Tatum Soto
Executive Assistant to the Governor
Office of Governor Matthew H. Mead
State of Wyoming
2323 Carey Avenue
Cheyenne, WY 82002
Phone: Ex. 6
Email: tatum.soto@wyo.gov

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--

Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Office: Ex. 6
Cell: Ex. 6
Fax: Ex. 6

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<20170710 VF LTR Recommend-Dave Ross for EPA to Barrasso and Carper NC-MHMdp.pdf>

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 8/1/2017 7:46:49 PM
To: lebachmeier@nd.gov; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Line by line

Y'all by chance have a line by line yet?

Sent from my iPhone

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 7/17/2017 8:57:04 PM
To: lorea.stallard@nc.gov
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]
Subject: Letter to Pruitt

Lorea-

Tate with EPA intergovernmental here. Your letter has been received and we will reach out with any questions.

Hope you are having a great Monday.

Tate

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/17/2017 5:12:33 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: Re: Do you have a minute in the next little bit to do a quick call to put our media and your media folks in touch?

Yep! Let me see if they are free

Sent from my iPhone

On Jul 17, 2017, at 1:05 PM, Cody Stewart <codystewart@utah.gov> wrote:

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/18/2017 9:10:25 PM
To: Nephi Cole [nephi.cole@wyo.gov]
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
BCC: David Ross [uwdavidross@gmail.com]
Subject: Re: Recommendation for Dave Ross

Wonderful! Thank you, Nephi

Sent from my iPhone

On Jul 18, 2017, at 2:57 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

> Tate,
>
> Please see the attached letter regarding Mr. Dave Ross.
>
> ---------- Forwarded message ----------
> From: **Tatum Soto** <tatum.soto@wyo.gov>
> Date: Thu, Jul 13, 2017 at 9:03 AM
> Subject: Recommendation for Dave Ross
> To: Nephi Cole <nephi.cole@wyo.gov>, Dalena Phipps <dalena.phipps@wyo.gov>
>
> Attached is final letter sent USPS 7/13/17
>
> Tatum
>
> --
> **Tatum Soto**
> Executive Assistant to the Governor
> Office of Governor Matthew H. Mead
> State of Wyoming
> 2323 Carey Avenue
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> Phone: Ex. 6
> Email: tatum.soto@wyo.gov
>
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--
Nephi John Cole
Policy Advisor
Office of Governor Matthew H. Mead
2323 Carey Avenue
Cheyenne WY 82002
Office: Ex. 6
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Fax:

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<20170710 VF LTR Recommend-Dave Ross for EPA to Barrasso and Carper NC-MHMdp.pdf>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/18/2017 1:15:37 PM
To: Whichard, Jordan [Jordan.Whichard@nc.gov]
CC: Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Moore, Susan M [Susan.Moore@nc.gov]; Stallard, Lorea A [lorea.stallard@nc.gov]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: Re: EPA

Roping in Maddy but he is on the road the next two weeks so it might be tough to do this week. We will get back to you asap on some times/ days.

Sent from my iPhone

> On Jul 17, 2017, at 8:22 PM, Whichard, Jordan <Jordan.Whichard@nc.gov> wrote:
>
> Robin,
>
> Thank you for sending. We look forward to working with you, and can loop in our experts at NC DEQ as appropriate.
>
> As I believe Lorea mentioned today, Gov. Cooper would like to speak with Administrator Pruitt by phone in the next few days to discuss this matter further. I just wanted to reiterate that request and be sure we were working toward it. I believe the two have a relationship dating back to their days as Attorneys General together.
>
> Thank you all for your help.
>
> Best,
> Jordan
>
>
> D. Jordan Whichard IV
> Director of Intergovernmental Affairs
> Office of Governor Roy Cooper
> 20301 Mail Service Center
> Raleigh, North Carolina 27699-0301
> Ex. 6 direct
> mobile
> jordan.whichard@nc.gov
>
>
> Office of the Governor
> governor.nc.gov
>
>
>
>
> -----Original Message-----
> From: Richardson, RobinH [mailto:Richardson.RobinH@epa.gov]
> Sent: Monday, July 17, 2017 1:57 PM
> To: Moore, Susan M <Susan.Moore@nc.gov>
> Cc: Whichard, Jordan <Jordan.Whichard@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
> Subject: Re: EPA
>
> Hi Susan -
>

> Thank you very much for the Governor's letter. I've included Troy, OCIR's Associate Administrator and Tate, OCIR's Sr Deputy Associate Administrator for their awareness, and Jack, Director of State and Intergovernmental Relations and Sven Kaiser, Lead for Water and Toxic issues to work with you to respond to the concerns outlined in the Governor's letter.
>
> Please do not hesitate to reach out to any of us for further assistance.
>
> Best, Robin
>
> ---
> Robin H Richardson
> PDAA/OCIR
> Ex. 6 (desk)
> (cell)
> richardson.robinh@epa.gov
>
>> On Jul 17, 2017, at 1:14 PM, Moore, Susan M <Susan.Moore@nc.gov> wrote:
>>
>> Letter from North Carolina Governor Roy Cooper.
>>
>>
>>
>>
>>
>>
>>
>> _____
>>
>> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.
>> <img-717125741-0001.pdf>
>
> _____
>
> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/14/2017 6:21:12 PM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
Subject: Re: Call with staff next Monday

Perfect. We will have him call directly

Sent from my iPhone

On Jul 14, 2017, at 2:10 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> That will work great then. The best number to reach the Governor is his cell phone: Ex. 6
>
> Thank you for setting this up
>
> ---
>
> **From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> **Sent:** Friday, July 14, 2017 10:57 AM
> **To:** Miltenberger, Matt <matt.miltenberger@nebraska.gov>
> **Cc:** Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
> **Subject:** RE: Call with staff next Monday
>
> 10 min tops should we start on time!
>
> ---
>
> **From:** Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
> **Sent:** Friday, July 14, 2017 11:07 AM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Cc:** Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
> **Subject:** Re: Call with staff next Monday
>
> How long do you expect the call to last? I think 10:45 am ET will be best but he has something at 11.
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 9:30 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> That would be awesome. We can do anytime between 10:45 and 11:45 Est. Let me know.
>>
>> Sent from my iPhone
>>
>> On Jul 14, 2017, at 10:15 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
>>
>>> Tate-
>>>
>>> The Governor is available by phone next week if you'd like to do a call with him.

Matt

Sent from my iPhone

On Jul 14, 2017, at 8:52 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Matt and Lauren-
>
> Sorry for blowing you all up this week! Separate issue below:
>
> Pruitt is calling a handful of specific Governors on NPL proposed sites on Monday. Since the Gov. is away next week, could you help me connect with the best POC on your team for Kell Kelly (cc'd) to reach out to on the staff level either today or Monday?
>
> Thanks for your help!
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/14/2017 5:03:56 PM
To: Craig.r.schmauder.civ@mail.mil
CC: Sarah Greenwalt (greenwalt.sarah@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
BCC: Alan Matheson [amatheson@utah.gov]
Subject: Help for a WOTUS event

Hi Craig-

Administrator Pruitt is going to be in Park City, UT on Tuesday of next week for a WOTUS event. We would like to request the area's USACE Branch Chief, Jason Gipson, attend a meeting we are having at Bittner's Farm there. EPA would like to receive permission for him to attend from USACE. Could you talk to me more about that process? Happy to provide additional information!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/12/2017 2:43:58 PM
To: Cody Stewart [codystewart@utah.gov]
CC: Alan Matheson [amatheson@utah.gov]
Subject: RE: Utah tour introduction

Hey Alan! I will call you shortly.

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Wednesday, July 12, 2017 10:38 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Alan Matheson <amatheson@utah.gov>
Subject: Utah tour introduction

Tate,

Thanks again for the chance to host the Administrator next week. We are very excited to have him spend some time in our beautiful state.

As we briefly discussed, Governor Herbert has asked Alan Matheson, the Executive Director of the Utah Department of Environmental Quality, to be the main point of contact from our office to help facilitate the Administrator's visit. Alan is an expert in water and air quality issues and is ideally situated to work with you and your team to create a substantive agenda for next week's visit.

Alan is cc'd in this email and he can be reached at Ex. 6

Thanks again and I look forward to seeing you in Rhode Island later this week!

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/30/2017 4:06:45 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: RE: August 7

Thanks!

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, June 30, 2017 11:41 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: August 7

Not just yet. But I know they are still chatting about it. Hope to have more information later today.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 30, 2017 11:40 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: August 7

Any update on the Governor's availability?

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/11/2017 1:21:51 AM
To: Cody Stewart [codystewart@utah.gov]
Subject: Re: Next week

Awesome! Thank you!

Sent from my iPhone

On Jul 10, 2017, at 9:15 PM, Cody Stewart <codystewart@utah.gov> wrote:

> No worries. We'll try to send you a draft outline tomorrow.
>
> Sent from my iPad
>
> On Jul 10, 2017, at 5:02 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Disregard! 18th. Sorry for any false alarm.
> >
> > **From:** Bennett, Tate
> > **Sent:** Monday, July 10, 2017 7:00 PM
> > **To:** codystewart@utah.gov
> > **Subject:** Next week
> > **Importance:** High
> >
> > Any chance we can move to Wednesday the 19th*
> >
> > Elizabeth Tate Bennett
> > Senior Deputy Associate Administrator
> > Congressional and Intergovernmental Affairs
> > Office of the Administrator
> > U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/11/2017 1:13:31 AM
To: codystewart@utah.gov
Subject: FW: Next week

Importance: High

Please disregard. All good for the 18th!

From: Bennett, Tate
Sent: Monday, July 10, 2017 7:00 PM
To: codystewart@utah.gov
Subject: Next week
Importance: High

Any chance we can move to Wednesday the 19th*

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/6/2017 5:45:29 PM
To: Tom Womack [Tom.Womack@tn.gov]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: Re: Tennessee Visit to DC

3 it is. Thanks!

On Jul 6, 2017, at 9:44 AM, Tom Womack <Tom.Womack@tn.gov> wrote:

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

TN Department of Agriculture

TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
p. Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 1:15:10 AM
To: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Subject: Re: Illinois Submission on WOTUS rule

Not to worry!

On Jun 26, 2017, at 8:52 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:

Sorry, Tate, for being late and for misspelling your name! Kathy

---

From: Lydon, Kathy
Sent: Monday, June 26, 2017 8:49 PM
To: bennet.tate@epa.gov; hanson.andrew@epa.gov; cwawotus@epa.gov
Cc: Messina, Alec
Subject: Illinois Submission on WOTUS rule

EPA Officials: please accept the attached comments from the state of Illinois on the proposed changes to the WOTUS rule. Many thanks for allowing us to comment. Please call if any questions, Kathy Lydon

Kathy Lydon

Deputy Chief of Staff for Federal Affairs
Governor Bruce Rauner, State of Illinois

Ex. 6

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

<Illinois%20Federalism%20Consultation%20for%20E.O.%2013778 copy.pdf>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/10/2017 10:06:00 PM
To: codystewart@utah.gov
Subject: RE: WOTUS Week

Tate Bennett contact info. Cell – Ex. 6

From: Lyons, Troy
Sent: Monday, July 10, 2017 11:58 AM
To: codystewart@utah.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Cory, Preston <Preston.Cory@mail.house.gov>
Subject: WOTUS Week
Importance: High

Cody,

I hope this email finds you well.

The Administrator is going to be out west next week and would like to come to Utah to do a few events around WOTUS. Ideally, he would like to visit with Governor Herbert, visit a location impacted by the 2015 rule, and co-host a roundtable discussion with the Governor and impacted parties. The schedule is still being built out; however, **we would be in Utah on Tuesday, July 17th.**

Is the Governor available to meet with the Administrator to discuss the next steps in the WOTUS rule making process? Also, would he be willing it participate in a site visit and roundtable?

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/13/2017 3:20:14 PM
To: Lee Rudofsky [lee.rudofsky@arkansasag.gov]; O'Neal, Melissa [melissa.oneal@maine.gov]
CC: Boak, Scott [Scott.Boak@maine.gov]; Leonna Bias [leonna.bias@arkansasag.gov]
Subject: RE: Attorneys General Call with EPA Administrator Scott Pruitt

Thank you all.

-----Original Message-----
From: Lee Rudofsky [mailto:lee.rudofsky@arkansasag.gov]
Sent: Thursday, July 13, 2017 11:04 AM
To: O'Neal, Melissa <melissa.oneal@maine.gov>
Cc: Boak, Scott <Scott.Boak@maine.gov>; Leonna Bias <leonna.bias@arkansasag.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Attorneys General Call with EPA Administrator Scott Pruitt

Leonna:

Please provide to this group the PARTICIPANT CALL IN and the CONFERENCE ID.

Lee

Sent from my iPhone

On Jul 13, 2017, at 7:49 AM, O'Neal, Melissa <melissa.oneal@maine.gov<mailto:melissa.oneal@maine.gov>> wrote:

Lee:

Attorney General Mills has asked Assistant Attorney General Scott Boak to participate in this call. We do now, however, have any of the call-in information. Is this call still happening today? If so, would you kindly forward the call-in information so that Attorney Boak can participate?

Many thanks,
Missy

Melissa A. O'Neal
Executive Assistant to the Attorney General

Office of the Maine Attorney General
Burton Cross Building
SHS# 6
Augusta, ME 04333
Ex. 6 - direct dial
- mobile
Melissa.ONeal@maine.gov<mailto:Melissa.ONeal@maine.gov>

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Also, correspondence to and from this office may be considered a public record and subject to the Maine Freedom of Access Act.

From: James McPherson [mailto:jmcpherson@NAAG.ORG]
Sent: Wednesday, June 14, 2017 12:19 PM
To: James McPherson
Cc: Manning, Jeanette; Chris Toth; Jeffrey Hunter; lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>
Subject: Attorneys General Call with EPA Administrator Scott Pruitt

THIS IS BEING SENT TO ALL ATTORNEYS GENERAL, CHIEF DEPUTIES/CHIEFS OF STAFF, AND EXECUTIVE ASSISTANTS

Generals,

Attorney General Rutledge asked me to forward to you the following message:

Recently, Arkansas Attorney General Rutledge had a chance to meet with EPA Administrator Pruitt. One of the topics they discussed was the WOTUS rule. They both thought it would be beneficial for the EPA Administrator to update State Attorneys General on the status of the rule and the process moving forward. Attorney General Rutledge offered to set up and host such a call for the Administrator and the Attorneys General. The 30-minute call will take place at 1:30pm (Eastern Standard Time) on July 13, 2017. If your Attorney General would like to participate, please RSVP to Lee Rudofsky at lee.rudofsky@arkansasag.gov<mailto:lee.rudofsky@arkansasag.gov>.

Conference call details will be sent prior to the 13 July date.

V/R

Jim

James E. McPherson
Executive Director
National Association of Attorneys General
2030 M Street, NW, Washington, DC 20036
Ex. 6
Cell: Ex. 6

PLEASE NOTE…..as of 1 July 2017, our new mailing address will be:
1850 M Street, NW
12th Floor
Washington DC 20036

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/7/2017 3:39:17 PM
To: Tom Womack [Tom.Womack@tn.gov]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: Re: Tennessee Visit to DC

Not sure if I responded but 3 is good Monday.

On Jul 6, 2017, at 12:27 PM, Tom Womack <Tom.Womack@tn.gov> wrote:

> Tate, thanks so much for the quick response. Is it possible to do 3 p.m. Monday. We are at USDA until 2:30 and that would give us a little extra time to get to your offices. Yes, we would welcome an opportunity to meet with any staff who are available. We may also bring a staff member from the National Association of State Departments of Agriculture if that is okay.
>
> Thanks again,
>
> <image001.png>
> **TOM WOMACK** | Deputy Commissioner
> Department of Agriculture
> Ellington Agricultural Center
> 440 Hogan Road, Nashville, TN 37220
> Ex. 6
> tom.womack@tn.gov
> www.tn.gov/agriculture
>
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From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, July 06, 2017 11:22 AM
To: Tom Womack
Cc: Larry Maxwell; Cheatham-Strickland, Latonia
Subject: RE: Tennessee Visit to DC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

<image001.png>
TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/15/2017 12:01:48 AM
To: Miltenberger, Matt [matt.miltenberger@nebraska.gov]
CC: Kintner, Lauren [Lauren.Kintner@nebraska.gov]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
Subject: Re: Call with staff next Monday

I'll have Pruitt call his cell. Thanks!

Sent from my iPhone

On Jul 14, 2017, at 6:27 PM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:

> The best number to reach the Governor is his cell phone: Ex. 6
>
> Sent from my iPhone
>
> On Jul 14, 2017, at 3:41 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> > Is there a good number where we can call you all at 10:45?
> >
> > **From:** Miltenberger, Matt [mailto:matt.miltenberger@nebraska.gov]
> > **Sent:** Friday, July 14, 2017 11:07 AM
> > **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> > **Cc:** Kintner, Lauren <Lauren.Kintner@nebraska.gov>; Kelly, Albert <kelly.albert@epa.gov>
> > **Subject:** Re: Call with staff next Monday
> >
> > How long do you expect the call to last? I think 10:45 am ET will be best but he has something at 11.
> >
> > Sent from my iPhone
> >
> > On Jul 14, 2017, at 9:30 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > That would be awesome. We can do anytime between 10:45 and 11:45 Est. Let me know.
> > >
> > > Sent from my iPhone
> > >
> > > On Jul 14, 2017, at 10:15 AM, Miltenberger, Matt <matt.miltenberger@nebraska.gov> wrote:
> > >
> > > > Tate-
> > > >
> > > > The Governor is available by phone next week if you'd like to do a call with him.

Matt

Sent from my iPhone

On Jul 14, 2017, at 8:52 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Matt and Lauren-
>
> Sorry for blowing you all up this week! Separate issue below:
>
> Pruitt is calling a handful of specific Governors on NPL proposed sites on Monday. Since the Gov. is away next week, could you help me connect with the best POC on your team for Kell Kelly (cc'd) to reach out to on the staff level either today or Monday?
>
> Thanks for your help!
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 7:39:19 PM
To: Gage, Taylor [taylor.gage@nebraska.gov]
Subject: RE: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Thank you for sharing!

From: Gage, Taylor [mailto:taylor.gage@nebraska.gov]
Sent: Tuesday, June 27, 2017 3:37 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Tate –

Our office just pushed this out.

Best,

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Gage, Taylor
Sent: Tuesday, June 27, 2017 2:36 PM
To: Gage, Taylor
Cc: Maher, Eric; Kamm, Christin; 'Craig Head'
Subject: Media Release: Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

Governor Pete Ricketts
Growing Nebraska for the Next Generation

For Immediate Release:
2:35PM CT on June 27, 2017

Media Contacts:
Taylor Gage, Governor's Office, Ex. 6
Craig Head, Nebraska Farm Bureau, Ex. 6
Christin Kamm, Ag Department, Ex. 6

Media Release:
Gov. Ricketts, Nebraska Ag & Business Groups Applaud WOTUS Repeal

LINCOLN – Today, Governor Pete Ricketts and Nebraska agriculture and business groups applauded an announcement by Environmental Protection Agency (EPA) Administrator Scott Pruitt that the Trump Administration had finalized the repeal of the 2015 Waters of the U.S. (WOTUS) rule.

"Thank you to President Trump and Administrator Pruitt for delivering on your promise to roll back this job-killing regulation," said Governor Ricketts. "This policy returns federal oversight of intra-state waterways to pre-2015 standards, respects the rights of private land owners and states, and provides for ample protection of clean water. Removing this threat to our state's top industries gives Nebraska the freedom to grow more opportunities for the next generation in the areas of agriculture and manufacturing."

"Today, countless farmers, ranchers, homebuilders, manufacturers, county governments, golf courses, and small businesses are loudly celebrating the demise of EPA's proposed WOTUS rule," said Steve Nelson of Axtell speaking on behalf of the Common Sense Nebraska coalition. "For over two years, our coalition which represents the very industries who would have had to bear the brunt of this federal land grab, have worked tirelessly to stop this breathtaking assumption of authority by the federal government that flies in the

face of Congressional intent, legal precedents, and even science. We want to thank the Trump Administration and EPA Administrator Pruitt specifically for now going back to the drawing board to write a new rule that actually protects water without trampling the rights of businesses and state regulatory agencies."

"I applaud the Trump Administration and Secretary Pruitt's announcement to walk away from the previous administration's WOTUS rule and begin the process to develop a new rule," said Nebraska Department of Agriculture Director Greg Ibach. "The expansive reach and inability to determine what water or land may fall under jurisdiction under the existing regulation puts Nebraska's agriculture industry in jeopardy. Our farmers and ranchers have proven to be thoughtful stewards of our land and resources, and jurisdiction of those resources should be the responsibility of the states. I look forward to the development of a new rule, founded in common sense, that will support Nebraska's ability to protect our water and land resources."

About Common Sense Nebraska

Common Sense Nebraska is a diverse, Nebraska-based coalition consisting of organizations and entities that have united in response to the EPA's "Waters of the U.S." rule, a regulatory proposal that would harm both rural and urban Nebraskans through expansion of the EPA's powers and authorities under the federal Clean Water Act. The coalition's purpose is to build awareness and understanding of the EPA proposal and the impacts it would have on Nebraskans. For more information visit Common Sense Nebraska on Facebook.

Common Sense Nebraska Coalition members include:

AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter

Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association
Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Board
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

###

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/13/2017 11:28:03 AM
To: Cody Stewart [codystewart@utah.gov]; Alan Matheson [amatheson@utah.gov]
Subject: Re: AG Reyes

Have a question on Bitner Ranch today also. **Ex. 6**

Sent from my iPhone

On Jul 12, 2017, at 6:06 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Is attending the principals meeting, correct? Pruitt asked me to inquire. Sorry to bother!
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/7/2017 2:53:03 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: Any updates re the 7th?

I think we want to reroute to Milwaukee

On Jul 7, 2017, at 10:50 AM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

> Close to madison? It's probably a good hour apart.
>
> Get Outlook for iOS
>
> ---
>
> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Sent:** Friday, July 7, 2017 9:40:54 AM
> **To:** Roskam, Kyle - GOV
> **Subject:** Re: Any updates re the 7th?
>
> Cool. I think we want to do a milkwalkee farm actually. Is that close? He can always come to cap and meet with gov
>
> On Jul 7, 2017, at 10:33 AM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:
>
>> Unfortunately no. Madison does seem genuinely interested though. I think they want to get the budget done before they plan ahead. But if the governor can't do it I think that other cabinet secretaries would be.
>>
>> Get Outlook for iOS
>>
>> ---
>>
>> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Sent:** Friday, July 7, 2017 9:23:41 AM
>> **To:** Roskam, Kyle - GOV
>> **Subject:** Any updates re the 7th?

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/6/2017 4:21:37 PM
To: Tom Womack [Tom.Womack@tn.gov]
CC: Larry Maxwell [Larry.Maxwell@tn.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]
Subject: RE: Tennessee Visit to DC

Hey Tom!

We'd love to get something on the books.

Can you all do 2:30 on Monday?

Latonia, can you help with a room/calendar invite once they confirm since Preston is out? Rick Keigwin can be included as well.

Tate

From: Tom Womack [mailto:Tom.Womack@tn.gov]
Sent: Thursday, July 6, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Larry Maxwell <Larry.Maxwell@tn.gov>
Subject: Tennessee Visit to DC

Hi Tate,

We spoke on the Small Community Advisory Subcommittee conference call last week regarding the WOTUS rule review. I know this is short notice, but our senior staff will be in DC next week (Monday and Tuesday, July 10-11) for some agency and congressional office visits. I was wondering if you would have any availability Monday morning before 11 a.m. or after 2:30 p.m. for a brief courtesy meeting with myself and our chief administrative officer Larry Maxwell? We wouldn't take much of your time but would welcome an opportunity to introduce ourselves and to share a little about our agency's interaction with EPA on WOTUS and nonpoint pollution programs.

If you're unavailable, we would also welcome an opportunity to meet with another staff member. Thanks, and I look forward to hearing back from you.

Sincerely,

TN Department of Agriculture

TOM WOMACK | Deputy Commissioner
Department of Agriculture
Ellington Agricultural Center
440 Hogan Road, Nashville, TN 37220
Ex. 6
tom.womack@tn.gov
www.tn.gov/agriculture

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Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/26/2017 9:25:58 PM
To: fran.lucero@state.nm.us
Subject: Reschedule

Hey Fran-

Pruitt might need to reschedule as we are running behind? Sorry for the late notice and for being so flexible! Do you mind relaying to the Governor?

I'll circle back.

Tate

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/12/2017 1:39:30 PM
To: Jane.Hirsch@nh.gov
CC: Hoelscher, Douglas L. EOP/WHO Ex. 6
Subject: Meeting with EPA

Hi Jane!

Just tried your office with no luck so I thought I'd shoot you a quick e-mail. We would be more than happy to meet with the Governor at 3:15 today. Administrator Pruitt is going to be en route to D.C., and likely won't be here in time, but we are happy to discuss I-93 on the staff level and pull in Senior Staff. Please give me a call Ex. 6

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/29/2017 2:00:38 PM
To: Lyon, Kayla [kayla.lyon@iowa.gov]
CC: Douglas.L.Hoelscher Ex. 6 Stephanie Groen [Stephanie.Groen@iowa.gov]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Re: Pruitt Iowa event on the 8th

That's great! Thanks!

On Jun 29, 2017, at 9:59 AM, Lyon, Kayla <kayla.lyon@iowa.gov> wrote:

> Tate,
>
> Let's stick with 10:00 central.
>
> Please use the following information so we can all be on the call:
>
> Ex. 6
>
> Thanks!
>
> Kayla
>
> On Wed, Jun 28, 2017 at 6:23 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> Stephanie and Doug will be on pacific time so perhaps afternoon is better? Doug, we'd love to have your input!
>
> On Jun 27, 2017, at 7:05 PM, Kayla Lyon <kayla.lyon@iowa.gov> wrote:
>
> > I figured - big day! Tomorrow won't work for us. How about Thursday at 10:00 central?
> >
> > On Tue, Jun 27, 2017 at 3:57 PM Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > Sorry Kayla! Was slammed with WOTUS today. Maybe we can all huddle tomorrow?
> > >
> > > **From:** Lyon, Kayla [mailto:kayla.lyon@iowa.gov]
> > > **Sent:** Monday, June 26, 2017 12:07 PM
> > > **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> > > **Cc:** Douglas.L.Hoelscher Ex. 6 Stephanie Groen <Stephanie.Groen@iowa.gov>
> > > **Subject:** Re: Pruitt Iowa event on the 8th
> > >
> > > Good morning, Tate!

I would like to include Stephanie Groen on the call too so we are all on the same page. Could we set up a time for a call? Would 2:00 central work tomorrow?

Thanks!

Kayla

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/7/2017 8:50:41 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: RE: WTAS Ozone

Nice. We can include in our weekly round up if you'd like.

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Wednesday, June 7, 2017 4:47 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: WTAS Ozone

I think we may have something for you on this.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Roskam, Kyle - GOV
Sent: Wednesday, June 07, 2017 2:00 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: WTAS Ozone

Will check...

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct: Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, June 07, 2017 11:55 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: Fwd: WTAS Ozone

Y'all want to send a quote? No worries if not put they've been picked up by a lot of press

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: June 7, 2017 at 11:51:43 AM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: RE: WTAS Ozone

YES! We can do another one this afternoon.

From: Bennett, Tate
Sent: Wednesday, June 7, 2017 9:08 AM
To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: WTAS Ozone

Can I keep sending these your way?

From: Konkus, John
Sent: Wednesday, June 7, 2017 8:59 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: WTAS Ozone

What they are saying about EPA's intent to delay implementation of the 2015 ozone standards…

Senate Majority Leader Mitch McConnell (KY)

"I applaud Administrator Scott Pruitt for his decision to delay this Obama Administration issued regulation, which was finalized in October 2015. This regulation was yet another attack on the Middle Class by the Obama Administration and was forced through despite significant concern from communities across the country. Today's postponement will give states and municipalities relief in the interim while EPA continues to review NAAQS levels."

Senator Shelley Moore Capito (WV)

"State and local governments and employers across the country have had insufficient time to comply with the latest revisions to the ozone standards. I commend Administrator Pruitt and his staff at the EPA for acknowledging this reality and acting today to delay existing standards. The overlapping standards have caused regulatory confusion, even as ozone emissions continue to decline. However, Congress must now provide a permanent fix to the broken process of reviewing and implementing ozone standards."

Senator Jeff Flake (AZ)

"It's great to see the EPA working with Arizonans for a change. Nowhere are the flaws of previous administration's one-size-fits-all approach to regulating ozone more evident than in Arizona, a desert state where naturally-occurring ozone makes it impossible to meet the new federal mandate. While today's move buys Arizona much-needed time, I remain committed to advancing a solution that will provide permanent relief from this egregious and unworkable rule." said Flake. "I'd especially like to

thank EPA Administrator Pruitt for listening to local stakeholders and recognizing Arizona's already successful efforts to significantly reduce ozone level in recent years."

Attorney General Ken Paxton (TX)

"I am grateful for the leadership of EPA Administrator Pruitt in courageously pausing the costly and ineffective Ozone Rule, and I'm hopeful that the one year delay will provide time for the EPA to review the detrimental effects the Ozone Rule will have on the Texas economy. Texas has continually reduced ambient ozone concentrations in the state without stifling the growth of Texas's industry or population, and looks forward to continuing efforts to improve air quality while bolstering the Texas economy."

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/28/2017 11:23:49 PM
To: Kayla Lyon [kayla.lyon@iowa.gov]
CC: Douglas.L.Hoelscher[Ex. 6]Stephanie Groen [Stephanie.Groen@iowa.gov]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Re: Pruitt Iowa event on the 8th

Stephanie and Doug will be on pacific time so perhaps afternoon is better? Doug, we'd love to have your input!

On Jun 27, 2017, at 7:05 PM, Kayla Lyon <kayla.lyon@iowa.gov> wrote:

I figured - big day! Tomorrow won't work for us. How about Thursday at 10:00 central?

On Tue, Jun 27, 2017 at 3:57 PM Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Sorry Kayla! Was slammed with WOTUS today. Maybe we can all huddle tomorrow?

From: Lyon, Kayla [mailto:kayla.lyon@iowa.gov]
Sent: Monday, June 26, 2017 12:07 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Douglas.L.Hoelsche[Ex. 6]tephanie Groen <Stephanie.Groen@iowa.gov>
Subject: Re: Pruitt Iowa event on the 8th

Good morning, Tate!

I would like to include Stephanie Groen on the call too so we are all on the same page. Could we set up a time for a call? Would 2:00 central work tomorrow?

Thanks!

Kayla

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/14/2017 9:05:40 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: Help for a WOTUS event

Thank YOU for everything.

-----Original Message-----
From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Friday, July 14, 2017 5:02 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Help for a WOTUS event

That's great. Thanks very much for making this happen.

Alan Matheson
Executive Director
Utah Department of Environmental Quality
801-536-0095

> On Jul 14, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>
>
> -----Original Message-----
> From: Schmauder, Craig R SES (US) [mailto:craig.r.schmauder.civ@mail.mil]
> Sent: Friday, July 14, 2017 4:01 PM
> To: Bennett, Tate <Bennett.Tate@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
> Cc: Lamont, Douglas W SES (US) <douglas.w.lamont2.civ@mail.mil>; Cindy Barger
<cindy.s.barger.civ@mail.mil>
> Subject: RE: Help for a WOTUS event
> Importance: High
>
> Tate and Sarah,
>
> We coordinated with the Corps HQ and they seem very supportive of your request for Jason to attend the site visit to Bittner Farm along with the Administrator and Governor. Cindy will serve as your primary POC here at HQDA to finalize arrangements with the Corps.
>
> Hope this is helpful.
>
> Respectfully -- Craig
> Craig R. Schmauder, SES
> Deputy General Counsel
> Installations, Environment & Civil Works
> Ex. 6
> NOTICE: This message may contain information protected by the attorney-client, attorney work-product, deliberative-process, or other privilege. Do not disseminate without the approval of the Office of the General Counsel, Department of the Army. If you have received this message in error, please notify the sender immediately by email or telephone and delete this message.
>
>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/11/2017 5:51:50 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: RE: checking in

Of course. I've been on some emails with Utah FB today but haven't mentioned it today FYI.

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Tuesday, July 11, 2017 1:46 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: checking in

Can you give me maybe 1-2 more hours?

Sent from my iPhone

On Jul 11, 2017, at 10:52 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey Cody! Just wanted to check in on timing/ any potential for a line by line later today? Thanks so much!
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/3/2017 10:30:49 PM
To: lebachmeier@nd.gov; Levi Bachmeier [levi.bachmeier@gmail.com]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: ND Tentative Schedule.

Hey! Thanks for taking my call. I took a stab at a very rough draft of an agenda. Feel free to edit!

I guess my only other question for now are

1) Do you have a hotel recommendation in Fargo?
2) How many staff can travel in the plane/ what type of plane is it (our Security Detail will ask). We might send two different crews of staff to each event. Defer to Jahan on communications plan.

Tuesday, August 8th Security Detail to advance the two locations

Afternoon- Pruitt arrive in Fargo from Sioux City, IA. Dinner with Governor Burgum in Fargo. Location/Time TBD

Wednesday, August 9th

9 AM- WOTUS Roundtable at North Dakota State University (NDSU) College of Agriculture. Local farm interest groups invited as well as ND Ag Commissioner Goehring. Also, Pruitt told Sen. Hoeven he would let him know when he visited the state. Let us know if you have any issues on any of the aforementioned fronts.

11 AM- Depart for Grand Forks

12:30/ 1 PM- Begin tour and subsequent roundtable of EERC. Invite local electric co-ops, other utility players (?). Invite DEQ

4 PM- Administrator Pruitt departs for airport to travel to Oklahoma

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 4:54:03 PM
To: kristin.allan@nebraska.gov
Subject: FYI- EMBARGOED until this afternoon

Also, can you give me a shout when you get a moment r.e. tomorrow's meeting? Ex. 6
Ex. 6

EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

WASHINGTON – (June 27, 2017) The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

"We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses," said Administrator Scott Pruitt. "This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public."

This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the Executive Order.

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " said Mr. Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.

For the pre-publication Federal Register Notice and additional information: http://www.epa.gov/wotus-rule

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/5/2017 11:23:51 PM
To: Gage, Taylor [taylor.gage@nebraska.gov]
Subject: Re: Media Release: Gov. Ricketts Comments on EPA RFS Volumes Proposal

This is awesome. Thank you.

On Jul 5, 2017, at 6:46 PM, Gage, Taylor <taylor.gage@nebraska.gov> wrote:

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

From: Gage, Taylor
Sent: Wednesday, July 5, 2017 5:43 PM
To: Gage, Taylor
Cc: Maher, Eric
Subject: Media Release: Gov. Ricketts Comments on EPA RFS Volumes Proposal

<image001.jpg>

For Immediate Release:
5:40PM CT on July 5, 2017

Media Contacts:
Taylor Gage, Ex. 6
Eric Maher, Ex. 6

Media Release:
Gov. Ricketts Comments on EPA RFS Volumes Proposal

LINCOLN – Today, Governor Pete Ricketts, who is also chairman of the Governors' Biofuels Coalition, issued the following statement on the EPA's announcement this afternoon of the proposed renewable volume obligations (RVOs) for 2018 under the Renewable Fuel Standard (RFS).

"Today's announcement shows that the Trump Administration recognizes the important role of ethanol in meeting the fuel needs of Nebraskans and drivers across the country. I commend Administrator Pruitt for the support of the RFS, both for proposing to maintain conventional biofuel requirements at 15 billion gallons and for respecting the timelines established in the RFS. Making the announcement now provides more certainty for Nebraska ethanol producers as they plan for their businesses.

"We also encourage continued support of advanced and cellulosic biofuels in the final 2018 RVO. Ethanol producers and investors across Nebraska and the country are exploring new technologies to produce cellulosic fuels and continue the growth of this important industry."

###

Taylor Gage
Director of Strategic Communications

Office of Governor Pete Ricketts
OFFICE Ex. 6
CELL Ex. 6
taylor.gage@nebraska.gov
governor.nebraska.gov | Facebook | Twitter

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/13/2017 10:57:26 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: Let me know

Taking care of the Jason request. Standby.

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Thursday, July 13, 2017 4:46 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Let me know

The lead contact is Brian Bittner Ex. 6 Brian will not be on the tour, but Wade Bittner Ex. 6 will be.

Some of the facilities we will see have been the subject of USACE jurisdictional determinations. It would be helpful to have their local staffer, Jason Gipson, along on the tour to give detailed background and answer questions. He can only attend if he has USACE headquarters approval, and they will only approve if they get a request from EPA. (Yeah, I know, lots of crazy hoops). Are you OK if Jason attends and, if so, can someone at EPA HQ make the request of the Corps of Engineers?

I will send you a list of proposed invitees shortly.

Alan Matheson | Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116
Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

On Thu, Jul 13, 2017 at 1:58 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> When you have a poc for the ranch!
>
> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/10/2017 1:22:33 PM
To: John Mitchell [KDHE] [John.Mitchell@ks.gov]
Subject: Re: Touching base re Office of Water

I'll try you at 10:30 but will loop in Donna on scheduling any relevant follow up. Thanks!

Sent from my iPhone

On Jul 10, 2017, at 9:14 AM, John Mitchell [KDHE] <John.Mitchell@ks.gov> wrote:

Tate,

You can also work with Donna, my assistant to schedule something later in the week. She can be reached at Ex. 6

John Mitchell

Director, Division of Environment
Kansas Department of Health and Environment
1000 SW Jackson, Suite 400
Topeka, KS 66612-1367

Ex. 6

Please note that my email address and Fax Number have changed: My new email address is:

John.Mitchell@ks.gov

My new Fax Number is:

Ex. 6

<image001.jpg>

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Sunday, July 09, 2017 9:02 PM
To: John Mitchell [KDHE] <John.Mitchell@ks.gov>
Subject: Touching base re Office of Water

Hi John,

Any chance you have time for a quick call tomorrow AM or is there a good person in your immediate office that I can speak to r.e. getting time on your calendar later this week with our Office of Water? Just let me know what times do or don't work/a good number?

Thanks in advance.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/13/2017 10:41:32 PM
To: Justin Harding [jharding@utah.gov]
CC: Alan Matheson [amatheson@utah.gov]; Stewart, Cody [codystewart@utah.gov]
Subject: RE: WOTUS Roundtable invitees

Thank you!

From: Justin Harding [mailto:jharding@utah.gov]
Sent: Thursday, July 13, 2017 6:40 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Alan Matheson <amatheson@utah.gov>; Stewart, Cody <codystewart@utah.gov>
Subject: Re: WOTUS Roundtable invitees

He's been included, per a discussion I had with Alan earlier today. Thanks.

On Jul 13, 2017, at 6:39 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> I think Pruitt's only ask would be to include (in the meeting of principals or all of it preferably) General Reyes.
>
> **From:** Alan Matheson [mailto:amatheson@utah.gov]
> **Sent:** Thursday, July 13, 2017 5:20 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>
> **Subject:** WOTUS Roundtable invitees
>
> You appropriately requested an opportunity to review and approve the invitee list for the Tuesday afternoon WOTUS round table discussion. We have tried to track the direction you provided. Our proposed list is below. Please let me know if any of you have suggestions. We're trying to balance good coverage with transportation and space constraints. We propose that those marked with "*" also attend the tour.
>
> Alan Matheson, UDEQ*
> Erica Gaddis, Director, Division of Water Quality, UDEQ*
> Todd Bingham, President, Utah Manufacture's Assoc.
> Brett Boyce, Utah Homebuilders Assoc.
> Jason Gipson, USACE*
> LuAnn Adams, Commissioner, Utah Dept. of Agriculture and Food*
> Scott Ericson, Deputy Commissioner, UDAF*
> Jay Olsen, Environmental Specialist, UDAF
> Ron Gibson, President, Utah Farm Bureau*
> Chris Ure, Kamas Conservation Dist. Supervisor
> Colby Pace, Summit Conservation Dist. Supervisor*
> Steve Osguthorpe, Sheep rancher, Summit Co.
> Chris Robinson, Chair, Summit County Council, CEO Ensign Ranch*
> Jerrold Richins, Sheep rancher, Summit Co.
> Mark Compton, Utah Mining Assoc.
> Josh Brown, Kennecott

Lee Peacock, Utah Petroleum Assoc. (and maybe one or two company reps.)
Sen. Wayne Niederhauser, Senate President (or designee)*
Rep. Greg Hughes, House Speaker (or designee)*
Sen. Margaret Dayton, co-chair Water Development Commission
Rep. Keith Grover, co-chair Water Development Commission
John Baza, Utah Division of Oil, Gas and Mining
Mike Styler, Exec. Dir. Dept. of Natural Resources
Kathleen Clarke, Public Lands Policy Coordinating Office
Rob Simmons, Governor's Office of Energy Development
Dave Ure, Director, State and Institutional Trust Lands Administration
Members of the Governor's staff
Representatives from the congressional delegation offices

Alan

Alan Matheson | Executive Director
Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116

Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/9/2017 3:40:24 PM
To: cbednar@michfb.com
CC: mcbrideb@michigan.gov
Subject: Touching Base

Hey Carl,

I met with Bill McBride this morning over at the Hall of States and he passed along your contact information. Would love to get together when you are in D.C. next. Let me know!

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/5/2017 9:15:46 PM
To: jodyreinke@nd.gov; jkpfaff@nd.gov
Subject: FW: Meeting at EPA

Hi Team ND! Can I give either of you a shout? Just let me know what number works best?

From: Goehring, Doug C. [mailto:goehring@nd.gov]
Sent: Friday, May 19, 2017 5:45 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; Konkus, John <konkus.john@epa.gov>; Pfaff, Jessie K. <jkpfaff@nd.gov>; Reinke, Jody L. <jodyreinke@nd.gov>
Subject: Re: Meeting at EPA

Tate,

Thank you for following up. I have CC'd Jody and Jessie, you can reach out to both of them when trying to reach me or need something.

Doug Goehring
North Dakota Agriculture Commissioner
Phone: Ex. 6
Fax: Ex. 6
goehring@nd.gov
http://www.nd.gov/ndda

On May 19, 2017, at 8:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi there Commissioner!

I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.

Best.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Wagner, Kenneth
Sent: Friday, May 19, 2017 9:41 AM
To: goehring@nd.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Meeting at EPA

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/3/2017 4:33:34 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: RE: August 7

Hey there! Let me know once you have more information so we can get the ball rolling? Thanks!

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Friday, June 30, 2017 11:41 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: August 7

Not just yet. But I know they are still chatting about it. Hope to have more information later today.

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 30, 2017 11:40 AM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: August 7

Any update on the Governor's availability?

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/26/2017 6:33:36 PM
To: Clover Adams, Jamie (MDARD) [CloveradamsJ@michigan.gov]
Subject: Re: Contact Assistance

Hi there! What kind of staffer are you looking for? Someone from communications? I'd be happy to speak to her and figure out the best route. **Ex. 6**

On May 26, 2017, at 2:03 PM, Clover Adams, Jamie (MDARD) <CloveradamsJ@michigan.gov> wrote:

> Tate:
>
> The Communication's Officers of State Departments of Agriculture (COSDA) – our departments comms folks – are looking for someone from EPA to be on a panel at their annual meeting in New Orleans this September. My Communication's Director Jen Holton is working on the program for them. Who would you suggest she speak with about this request?
>
> Thanks for your assistance. Have a nice weekend.
>
> Jamie Clover Adams
>
> <image001.png>

PURE MICHIGAN Agriculture

Jamie Clover Adams
Director
MI Dept. of Agriculture & Rural Development

Ex. 6 Work
CloveradamsJ@michigan.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/9/2017 1:22:51 PM
To: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Subject: Re: White House, EPA Honor Student Award Winners

Parking. Black dress brown bag

On Jun 8, 2017, at 2:48 PM, Mcbride, Bill (GOV) <mcbrideb@michigan.gov> wrote:

thanks

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, June 8, 2017 2:46 PM
To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Subject: FW: White House, EPA Honor Student Award Winners

FYI. See you tomorrow. The link should have the details.

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, June 8, 2017 2:38 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: White House, EPA Honor Student Award Winners

<~WRD000.jpg>

CONTACT: press@epa.gov

EPA Announces Student Award Winners

WASHINGTON (June 8, 2017)- The U.S. Environmental Protection Agency (EPA) today announced the winners of the 2016 President's Environmental Youth Award (PEYA). The program recognizes outstanding environmental stewardship projects by K-12 youth. These students demonstrate the initiative, creativity, and applied problem-solving skills needed to tackle environmental problems and find sustainable solutions.

Fifteen projects are being recognized this year, from 13 states: California, Colorado, Connecticut, Florida, Nebraska, New Jersey, Michigan, Pennsylvania, South Carolina, Texas, Utah, Virginia, and Washington.

"Today, we are pleased to honor these impressive young leaders, who demonstrate the impact that a few individuals can make to protect our environment," said **EPA Administrator Scott Pruitt**. "These students are empowering their peers, educating their communities, and demonstrating the STEM skills needed for this country to thrive in the global economy."

Each year the PEYA program honors environmental awareness projects developed by young individuals, school classes (kindergarten through high school), summer camps, public interest groups and youth organizations.

This year's PEYA winners conducted a wide range of activities, such as:

- developing a biodegradable plastic using local agricultural waste product;
- designing an efficient, environmentally friendly mosquito trap using solar power and compost by-product;
- saving approximately 2,000 tadpoles to raise adult frogs and toads;
- implementing a hydroponics and aquaculture project in a high school;
- repurposing over 25,000 books;
- creating an environmental news YouTube channel;
- organizing recycling programs to benefit disaster victims and underserved community members;
- reclaiming and repurposing over 4,000 discarded pencils within their school;
- promoting food waste reduction;
- creating a small, portable tool to prevent air strikes of migratory birds;
- engaging their community in a program to save a threatened bird, the Western Snowy Plover;
- testing grey water to encourage water conservation;
- promoting bee health;
- uniting their schools to address local environmental issues.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young people for protecting our nation's air, water, land and ecology. It is one of the most important ways EPA and the Administration demonstrate commitment to environmental stewardship efforts created and conducted by our nation's youth.

For information on environmental education at EPA, visit: https://www.epa.gov/education.

R109

<~WRD000.jpg>

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 1:15:29 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: RE: Jerry Strickland

Thanks again!

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Thursday, May 11, 2017 2:30 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Jerry Strickland

Jerry Strickland
Governor Greg Abbott
Director of State-Federal Relations

Ex. 6 Work
Mobile
Jerry.Strickland@gov.texas.gov
strickland.jerry@gmail.com

Kyle Roskam
Director of Federal Relations
Office of Wisconsin Governor Scott Walker
kyle.roskam@wisconsin.gov
Direct Ex. 6
Hall of States
444 N. Capitol Street, NW
Suite 544
Washington, D.C. 20001-1581

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/12/2017 3:56:31 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: Utah tour introduction

Hey Alan- Can you give me a call again? Just learned we actually can bump this up to earlier in the day. We can now travel in the night before.

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Wednesday, July 12, 2017 10:38 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Alan Matheson <amatheson@utah.gov>
Subject: Utah tour introduction

Tate,

Thanks again for the chance to host the Administrator next week. We are very excited to have him spend some time in our beautiful state.

As we briefly discussed, Governor Herbert has asked Alan Matheson, the Executive Director of the Utah Department of Environmental Quality, to be the main point of contact from our office to help facilitate the Administrator's visit. Alan is an expert in water and air quality issues and is ideally situated to work with you and your team to create a substantive agenda for next week's visit.

Alan is cc'd in this email and he can be reached at Ex. 6

Thanks again and I look forward to seeing you in Rhode Island later this week!

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/19/2017 10:21:35 PM
To: adam.nordstrom@cch-llc.com; Susan.Metzger@ks.gov
CC: Cory, Katherine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Hoelscher, Douglas L. EOP/WHO [Ex. 6]; Kirkland, William H. EOP/WHO [Ex. 6]
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback
Attachments: WOTUS Comment Letter.pdf

Hey there! Just wanted you to know that Doug (cc'd) passed Gov. Brownback's comments along and we are printing/ hand delivering to EPA's Office of Water.

Thanks!

Tate Bennett

Sr. Deputy Associate Administrator
Office of Intergovernmental Relations
U.S. Environmental Protection Agency

From: Hoelscher, Douglas L. EOP/WHO [Ex. 6]
Sent: Monday, June 19, 2017 4:57 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback

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From: Adam Nordstrom [mailto:adam.nordstrom@cch-llc.com]
Sent: Monday, June 19, 2017 3:38 PM
To: Hoelscher, Douglas L. EOP/WHO <[Ex. 6]>
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback

We got our comments in on the WOTUS request at EPA.

Thanks for the opportunity.

Adam

Washington DC Director – State of Kansas
Direct: 202-715-2923
Cell: 202-258-2084

From: Metzger, Susan [mailto:Susan.Metzger@ks.gov]
Sent: Monday, June 19, 2017 3:35 PM
To: CWAwotus@epa.gov; Hanson.Andrew@epa.gov

Cc: Cook-Shyovitz.Becky@epa.gov; Hummell, Jon [GO]; Smith, Brandon [GO]; Tom Stiles [KDHE]; Lewis, Earl; Adams, Steve [KDWPT]; Chanay, Jeff; McClaskey, Jackie; Goddard, Matt [GO]; Adam Nordstrom; Laue, Brant [GO]
Subject: WOTUS Comments from Kansas Governor Sam Brownback

Attached please find a comment letter from Governor Brownback in response to the opportunity to share Kansas' perspective on the definition of the Waters of the United States.

Susan Metzger
Assistant Secretary
Kansas Department of Agriculture
Please note my new email address as of July 2016: Susan.Metzger@ks.gov
(785) 564-6700

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612

Office of the Governor

Phone: (785) 296-3232
governor@ks.gov

Sam Brownback, Governor

June 19, 2017

Scott Pruitt
Administrator, Environmental Protection Agency

Douglass W. Lamont, P.E.
Senior Official Performing the
Duties of the Assistant Secretary of the Army (Civil Works)

Administrator Pruitt and Mr. Lamont,

Thank you for the opportunity to participate in the cooperative federalism consultation on the definition of "Waters of the United States" and to share with you Kansas' experience and expertise. Over the past several years Kansas has expressed through multiple venues our concerns with the 2015 Clean Water Rule describing the significant impact on Kansas landowners and land managers in their ability to make land use decisions, in addition to the burden the Rule placed on the state's ability to manage and regulate the water resources under Kansas jurisdiction.

We offer the following comments as responses to the four discussion questions associated with your letter request dated May 8, 2017.

1. **How would you like to see the concepts of "relatively permanent" and continuous surface connection" defined and implemented. How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?**

Kansas concurs with and applauds the Presidential Executive Order which directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Scalia in *Rapanos v. United States*. The 2015 Clean Water Rule ignored the Scalia test of relatively permanent waters and relied heavily upon Justice Kennedy's test of "significant nexus" to equate any degree of connectivity to significant ecological function, thereby promoting a near boundless view of Federal authority.

Since the current regulation, the Clean Water Rule, is both the subject of ongoing litigation and the target of President Trump's Executive Order, we are discarding the idea of revising that troublesome language. Instead, we propose using the regulatory definition found in 33 CFR 328.3 and 40 CFR 230.3 in 1986, before the *SWANCC* and *Rapanos* decisions, as the basis for our suggestions. The following table compares that regulatory definition of "Waters of the United States" with proposed changes from Kansas' perspective. Our perspective and proposal is focused on the following:

- A definition that supports our primary goal of protecting the designated uses of waterbodies with real environmental value,
- Separates the definitions of tributaries and wetlands, for clarity in applying the Scalia tests of relatively, permanent standing or flowing bodies of water and continuous surface connections,

- Clearly excludes ephemeral streams and ditches, consistent with the Scalia opinion and Kansas law, and
- Ensures, through a regulatory definition, that the states are co-equal partners in determining jurisdiction of intrastate waters within their state boundaries, consistent with the concept of cooperative federalism and Section 101(b) of the Clean Water Act.

1986/1988 Regulatory Definition of "Waters of the United States"	Kansas Perspective and Proposed Changes	Rationale
(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate of foreign commerce, including all waters which are subject to the ebb and flow of the tide	(1) All waters which are currently used, or were used in the past, for interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide	A definition of jurisdictional waters should be limited to only the known conditions – those that have occurred in the past or are currently occurring. The phrase "or may be susceptible to use" is ambiguous, open-ended and generates uncertainty.
(2) All interstate waters including interstate wetlands	(2) All interstate waters including interstate wetlands	No proposed changes. Waters crossing state boundaries warrant federal jurisdiction
(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including such waters:	(3) Other waters, such as intrastate lakes, rivers and streams, including headwater and intermittent streams that:	Combining the definition of jurisdictional lakes, streams and rivers with wetlands and examples that are not consistent with the Scalia opinion generates confusion. These features have distinctly different hydrologic characteristics and therefore should be considered in separate definitions
(i) Which are or could be used by interstate or foreign travelers for recreational purposes, or	(i) Support uses by fish, shellfish and wildlife and recreation in and on the water; and	Focus should be on supporting the designated uses of a waterbody associated with Section 101(a) of the Clean Water Act, not speculative interstate commerce. Definition should allow for intermittent streams supported seasonally by ground water or snowpacks
(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or	(ii) Maintain at least seasonal flow through contact with the surrounding water table or snowpack	
(iii) Which are used or could be used for industrial purpose by industries in		

interstate commerce;		
(4) All impoundments of waters otherwise defined as waters of the United States under the definition;	(4) All impoundments of waters identified in paragraphs (1) through (3)	Consistent with past jurisdiction
(5) Tributaries of waters identified in paragraphs (a)(1) through (4) of this section;	(5) Tributaries to the waters identified in paragraphs (1) through (4), that: (i) Contribute to the discharge of water and pollutants to those waters; and, (ii) Are identified by the appropriate State as significant factors in influencing the quality of those waters	Again the focus is on protecting the designated uses of waters that influence the quality of jurisdictional waters and clearly embraces the state's ability and expertise in determining jurisdictional waters within its borders.
(6) The territorial seas;	(6) The territorial seas;	Move to later in the definition to distinguish territorial seas from other applications of the definition that should be limited to tributaries and wetlands
(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section.	(7) After proper consultation with the appropriate State, wetlands that are adjacent to or maintain a continuous surface connection by waterway or constructed conveyance to the waters identified in paragraphs (1) through (4) including mudflats, sandflats, sloughs or wet meadows	Narrows the scope of federal jurisdiction consistent with the *SWANCC* decision and the Scalia opinion and clearly acknowledges the state's ability and expertise in determining jurisdictional waters. Examples include wetland types that have a definitive connection to jurisdictional waters

While identifying what should be included within the definition of Waters of the United States, it is just as important to distinctly state that which should be excluded from federal jurisdiction. The following should not be considered "Waters of the United States" and therefore, should be explicitly stated as excluded from federal jurisdiction:

- Waste treatment systems, including treatment ponds or lagoons designed to meet the requirement of the Clean Water Act.
- Prior converted cropland, ponds used for agricultural purposes, ditches that do not flow directly into a water identified paragraphs (1) through (7), artificially irrigated areas that would revert to dryland should the application of water to the area cease and conservation practices designed to improve water quantity and quality.
- Artificial reflecting pools, swimming pools, small ornamental waters, water-filled depressions incidental to mining or construction activity, including pits excavated for obtaining fill, sand or gravel that fill with water, erosional features, including gullies and rills, puddles, ground water, stormwater control features and wastewater recycling structures, including ground water recharge basins, percolation ponds and water distribution structures.

2. **What opportunities and challenges existing for your state or locality with taking a Scalia approach?**

By interpreting the term "navigable waters" in a manner consistent with the Scalia opinion, Kansas has the opportunity to continue demonstrating our great success in managing our water resources. Regardless of any approach, it is important to note that exclusion from Federal jurisdiction does not mean that such excluded waters lack protection through State regulation and management. Kansas has a track record of progressive and innovative protection of the important waters of the state, whether under Federal jurisdiction or not. For example, Kansas law (K.S.A. 82a-2001(E)), designates any streams which have a point of discharge from a NPDES permitted facility as a classified water (Water of the U.S. in Kansas).

One challenge identified in the revised approach is clarification of the term "adjacent." The 2015 Clean Water Rule attempted to establish maximum distances, or specific boundaries from jurisdictional boundaries such as the 100-year floodplain, for purposes of defining adjacency. Fewer than 40 of Kansas' 105 counties have digitized 100-year floodplain maps available. In these counties it would have been difficult for landowners and regulators to identify relevant floodplain areas.

Other challenges may present themselves as the application of "Waters of the United States" is further implemented. For this reason it is of paramount importance that cooperative federalism consultation truly is a guiding principle and process embedded within the regulation to remain in force well after these initial discussions.

3. **Do you anticipate any changes to the scope of your state or local programs? (e.g., regulations statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402, and 404)? If so, what types of actions do you anticipate would be needed?**

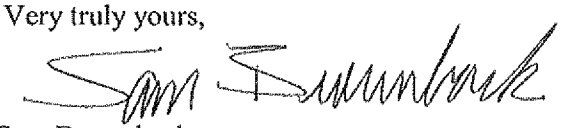
The Scalia opinion reflect the manner in which Kanas water quality programs operate. The Kennedy significant nexus test underlying the 2015 Clean Water Rule threatened to disrupt and undermine Kansas water quality management. Kansas does not anticipate any changes to the scope of our state programs under this revised approach.

4. **The agencies economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402, and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?**

No additional programs specific to Kansas are anticipated to be affected. However, consultation with the USDA might be prudent to ensure no unintentional consequences which could limit or dissuade participation in the Farm Bill conservation programs occur as a result of revising the definition of Waters of the U.S. and associated Federal jurisdiction determinations.

The Presidential Executive Order and these subsequent consultations appropriately restore state-level discussion and holds promise towards development of a better, more meaningful process of rulemaking under the Clean Water Act. We look forward to continuing the discussion and truly hope you remain true to keeping "the states at the forefront of your mission."

Very truly yours,



Sam Brownback
Governor of Kansas

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 5/8/2017 8:59:32 PM
To: rlauf@nd.gov
Subject: Quick call

Hey Robert- Tate with EPA intergovernmental here. Do you mind giving me a call? Ex. 6 thanks!

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/14/2017 6:55:46 PM
To: Alan Matheson [amatheson@utah.gov]; Justin Harding [jharding@utah.gov]; Stewart, Cody [codystewart@utah.gov]; Fran Stultz [fstultz@utah.gov]
Subject: RE: WOTUS Roundtable invitees

Wonderful. Thank you for this line by line.

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Friday, July 14, 2017 2:49 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>; Fran Stultz <fstultz@utah.gov>
Subject: Re: WOTUS Roundtable invitees

Tate,

The plans are progressing well. Invitations to the round table and tour are being sent now.

The plan at this point is as follows:

8:30 -- begin tour. Participants will meet at the east doors of the Capitol to load into vans and depart for Snyderville Basin. The Governor and Administrator will travel separately with security.

9:20 -- Meet at Bittner Ranch for overview of tour. We have three stops planned in close proximity. No walking required. We will be sending a detailed itinerary with Google map views of the sites, photos and a brief description of the sites.

10:15 -- Leave Snyderville Basin to return to the Capitol

10:45 -- Arrive at State Capitol

11:00 -- Meeting with Governor and senior staff in the Governor's Conference Room (among other things, we'd like to discuss Gold King Mine (with Attorney General Sean Reyes), regional haze, and the Tribal NSR FIP.)

12:00 -- Lunch and round table meeting in the Capitol Board Room. After the Administrator's opening remarks, Erica Gaddis (Director, Division of Water Quality) will give a very brief overview of Utah-specific WOTUS issues, followed by discussion as directed by the Administrator.

1:30 -- Media availability

2:00-- Wrap up

Alan Matheson | Executive Director
Utah Department of Environmental Quality

195 North 1950 West
Salt Lake City, UT 84116
Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

On Fri, Jul 14, 2017 at 11:57 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Thank you!

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Friday, July 14, 2017 1:03 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: WOTUS Roundtable invitees

Great. We'll get the invitations out.

Alan Matheson | Executive Director

Utah Department of Environmental Quality

195 North 1950 West

Salt Lake City, UT 84116

Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

On Fri, Jul 14, 2017 at 10:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

None. We love it. Working on USACE issue for Bittners

From: Alan Matheson [mailto:amatheson@utah.gov]
Sent: Friday, July 14, 2017 12:41 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: WOTUS Roundtable invitees

Tate,

Just checking in to see if you have any concerns with this list. We are hoping to send invitations as quickly as possible. Thanks.

Alan

Alan Matheson | Executive Director

Utah Department of Environmental Quality

195 North 1950 West

Salt Lake City, UT 84116

Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

On Thu, Jul 13, 2017 at 4:23 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> I will take a look but we will like defer to Team Utah on this. Standby.
>
> **From:** Alan Matheson [mailto:amatheson@utah.gov]
> **Sent:** Thursday, July 13, 2017 5:20 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>
Subject: WOTUS Roundtable invitees

You appropriately requested an opportunity to review and approve the invitee list for the Tuesday afternoon WOTUS round table discussion. We have tried to track the direction you provided. Our proposed list is below. Please let me know if any of you have suggestions. We're trying to balance good coverage with transportation and space constraints. We propose that those marked with "*" also attend the tour.

Alan Matheson, UDEQ*

Erica Gaddis, Director, Division of Water Quality, UDEQ*

Todd Bingham, President, Utah Manufacture's Assoc.

Brett Boyce, Utah Homebuilders Assoc.

Jason Gipson, USACE*

LuAnn Adams, Commissioner, Utah Dept. of Agriculture and Food*

Scott Ericson, Deputy Commissioner, UDAF*

Jay Olsen, Environmental Specialist, UDAF

Ron Gibson, President, Utah Farm Bureau*

Chris Ure, Kamas Conservation Dist. Supervisor

Colby Pace, Summit Conservation Dist. Supervisor*

Steve Osguthorpe, Sheep rancher, Summit Co.

Chris Robinson, Chair, Summit County Council, CEO Ensign Ranch*

Jerrold Richins, Sheep rancher, Summit Co.

Mark Compton, Utah Mining Assoc.

Josh Brown, Kennecott

Lee Peacock, Utah Petroleum Assoc. (and maybe one or two company reps.)

Sen. Wayne Niederhauser, Senate President (or designee)*

Rep. Greg Hughes, House Speaker (or designee)*

Sen. Margaret Dayton, co-chair Water Development Commission

Rep. Keith Grover, co-chair Water Development Commission

John Baza, Utah Division of Oil, Gas and Mining

Mike Styler, Exec. Dir. Dept. of Natural Resources

Kathleen Clarke, Public Lands Policy Coordinating Office

Rob Simmons, Governor's Office of Energy Development

Dave Ure, Director, State and Institutional Trust Lands Administration

Members of the Governor's staff

Representatives from the congressional delegation offices

Alan

Alan Matheson | Executive Director

Utah Department of Environmental Quality

195 North 1950 West

Salt Lake City, UT 84116

Ex. 6

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/12/2017 3:36:32 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: Utah tour introduction

Go with this version. Do you have a good POC with press?

Tue July 18: SALT LAKE CITY, UT

Depart: *Washington, DC (IAD) at 7:25 AM*
Arrive: *Salt Lake City, UT (SLC) at 10:21 AM via Delta*

Drive Time: *16 mins/ 8.9 miles*

11:00 AM: Meeting with Governor and Senior Staff, State Capitol
12:00 PM: State Capitol, Lunch and Roundtable discussion
Stakeholders: Sen. President and Speaker or their designees, Utah Assn of Conservation Districts, Utah Farm Bureau, Wool Producers, Utah Mining, Utah Petroleum, Homebuilders, others.
1:30 PM: Media Hit Deseret News
Drive Time: *10 mins/ 2.3 miles*

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/14/2017 6:53:14 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: USACE

Should get the green light Monday for Jason. -Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/25/2017 11:16:26 PM
To: Kayla.Lyon@iowa.gov
CC: Douglas.L.Hoelscher Ex. 6
Subject: Pruitt Iowa event on the 8th

Hey Kayla! Tate with EPA here. Do you have time to chat about this tomorrow/during the upcoming week? Feel free to give me a shout whenever is convenient. Tate Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/5/2017 4:39:29 PM
To: Mcbride, Bill (GOV) [mcbrideb@michigan.gov]
Subject: RE: Coffee this week?

Thank you!

-----Original Message-----
From: Mcbride, Bill (GOV) [mailto:mcbrideb@michigan.gov]
Sent: Monday, June 5, 2017 10:05 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Coffee this week?

sent

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, June 5, 2017 9:32 AM
To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
Subject: Re: Coffee this week?

Great! I'm on the run, so do you mind sending me a calendar invite?

> On Jun 5, 2017, at 9:29 AM, Mcbride, Bill (GOV) <mcbrideb@michigan.gov> wrote:
>
> Let's do Friday at 9:30 a.m. here in our office.
> Thanks!
>
> Bill McBride
> Director
> State of Michigan Washington D.C. Office
> 444 North Capitol Street N.W. Suite 411 Washington D.C. 20001
> Ex. 6
> mcbrideb@michigan.gov
> www.michigan.gov
>
>
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Monday, June 5, 2017 9:23 AM
> To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
> Subject: RE: Coffee this week?
>
> Hey there! Sorry for the delay! Could you do this Friday at 9:30 AM. Alternatively, could do 1 PM tomorrow.
>
> -----Original Message-----
> From: Mcbride, Bill (GOV) [mailto:mcbrideb@michigan.gov]
> Sent: Monday, June 5, 2017 9:05 AM
> To: Bennett, Tate <Bennett.Tate@epa.gov>
> Subject: RE: Coffee this week?
>
> Hi Tate,
> Checking back to see what times you might have available Tuesday, Thursday or Friday of this week?
>
> Thanks
> Bill
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, May 30, 2017 3:53 PM
> To: Mcbride, Bill (GOV) <mcbrideb@michigan.gov>
> Cc: Brown, Eric (GOV) <BrownE15@michigan.gov>
> Subject: RE: Coffee this week?
>
> You bet. Do you want to circle back with some days and times that work for next Monday?
>
> -----Original Message-----
> From: Mcbride, Bill (GOV) [mailto:mcbrideb@michigan.gov]

> Sent: Tuesday, May 30, 2017 3:37 PM
> To: Bennett, Tate <Bennett.Tate@epa.gov>
> Cc: Brown, Eric (GOV) <BrownE15@michigan.gov>
> Subject: Re: Coffee this week?
>
> Hi Tate,
> I am in Michigan this week at a conference. Will you be around/available next week?
>
> Thanks
> Bill
>
> Sent from my iPad
>
> On May 30, 2017, at 12:32 PM, Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>> wrote:
>
> Hi Bill!
>
> Wanted to see if you had any interested in grabbing coffee this week? Just hoping to introduce myself in person and discuss the Governor's priorities.
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs Office of the
> Administrator U.S. Environmental Protection Agency
>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 7/12/2017 3:31:43 PM
To: Alan Matheson [amatheson@utah.gov]
Subject: RE: Utah tour introduction

Tue July 18: SALT LAKE CITY, UT

Depart: *Washington, DC (IAD) at 7:25 AM*
Arrive: *Salt Lake City, UT (SLC) at 10:21 AM via Delta*

Drive Time: *16 mins/ 8.9 miles*

11:00 AM: Meeting with Governor and Senior Staff, State Capitol
12:30PM: Arrive Hotel, Lunch and Roundtable discussion
Stakeholders: Sen. President and Speaker or their designees, Water Commissioners, Farm Bureau, Kennecott, Utah Mining, Utah Petroleum, Homebuilders, others.
1:30 PM: Media Hit Deseret News
Drive Time: *10 mins/ 2.3 miles*

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Wednesday, July 12, 2017 10:38 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Alan Matheson <amatheson@utah.gov>
Subject: Utah tour introduction

Tate,

Thanks again for the chance to host the Administrator next week. We are very excited to have him spend some time in our beautiful state.

As we briefly discussed, Governor Herbert has asked Alan Matheson, the Executive Director of the Utah Department of Environmental Quality, to be the main point of contact from our office to help facilitate the Administrator's visit. Alan is an expert in water and air quality issues and is ideally situated to work with you and your team to create a substantive agenda for next week's visit.

Alan is cc'd in this email and he can be reached at Ex. 6

Thanks again and I look forward to seeing you in Rhode Island later this week!

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/19/2017 1:54:00 PM
To: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; goehring@nd.gov
CC: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: RE: Meeting at EPA

Hi there Commissioner!

I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.

Best.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Wagner, Kenneth
Sent: Friday, May 19, 2017 9:41 AM
To: goehring@nd.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Meeting at EPA

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 **cell**
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/21/2017 2:32:05 PM
To: stephanie.groen@iowa.gov
Subject: Fwd: Reynolds/ Iowa

Hey there! I know it's a busy day for y'all, but let me know if you have time to chat on this when things slow down :)

Begin forwarded message:

From: "Hoelscher, Douglas L. EOP/WHO" Ex. 6
Date: June 21, 2017 at 9:17:43 AM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Trainer, Nick A. EOP/WHO" Ex. 6 "Gronewald, Matt" <Matt.Gronewald@iowaagriculture.gov>
Subject: RE: Reynolds/ Iowa

Hi Tate – will be flying to Iowa with the boss later today.

Good stuff on the WOTUS tour – such a great/terrible example of the previous Administration's federal overreach. Feel free to reach out to Stephanie.Groen@iowa.gov and Kayla.Lyon@iowa.gov in the Governor's office and they will be a great resource to you. I'd also encourage you to reach Matt.Gronewald@IowaAgriculture.gov and Mike.Naig@IowaAgriculture.gov (in Sec. Northey's office).

Finally, would be good for your leg team to coordinate with Grassley and Ernst too and any of the three Republican Members. I'd likely recommend somewhere in Cong. Blum's district but yield to Nic for further guidance.

-Doug

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, June 21, 2017 9:07 AM
To: Hoelscher, Douglas L. EOP/WHO Ex. 6 Hoelscher, Douglas L. EOP/WHO Ex. 6
Cc: Trainer, Nick A. EOP/WHO Ex. 6
Subject: Reynolds/ Iowa

Hi friends! Pruitt wants to do a WOTUS tour stop in Iowa (assuming you are there now helping out with today's event) on August 7th. Just wanted to put this on your radar now in case you want to tee up some folks. Other WOTUS tour stops are in SC, ND and AZ, and I can circle back with dates but we would like to invite Purdue to any and all.

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/15/2017 9:03:37 PM
To: Millerick, Jayne [Jayne.Millerick@nh.gov]
CC: Ellms Jr, Christopher [Christopher.EllmsJr@nh.gov]
Subject: RE: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

You bet. Thanks, Jayne! Chris, look forward to working with you.

Tate

From: Millerick, Jayne [mailto:Jayne.Millerick@nh.gov]
Sent: Monday, May 15, 2017 4:58 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ellms Jr, Christopher <Christopher.EllmsJr@nh.gov>
Subject: RE: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Nice to meet you, Tate. Looking forward to working with you. I've copied Chris Ellms, Governor Sununu's policy advisor on environmental issues. Please reach out anytime if we can be of assistance. Best, Jayne

Jayne Millerick
Chief of Staff, Governor Christopher T. Sununu
State of New Hampshire
Jayne.Millerick@nh.gov | Ex. 6

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 9:29 AM
To: Bennett, Tate
Cc: Bowles, Jack; Cook-Shyovitz, Becky
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. (Ex. 6 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.

- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.

- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 11:06:49 PM
To: Kayla Lyon [kayla.lyon@iowa.gov]
CC: Douglas.L.Hoelscher[Ex. 6]; Stephanie Groen [Stephanie.Groen@iowa.gov]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Re: Pruitt Iowa event on the 8th

Works on my end. Call my direct[Ex. 6]

On Jun 27, 2017, at 7:05 PM, Kayla Lyon <kayla.lyon@iowa.gov> wrote:

I figured - big day! Tomorrow won't work for us. How about Thursday at 10:00 central?

On Tue, Jun 27, 2017 at 3:57 PM Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Sorry Kayla! Was slammed with WOTUS today. Maybe we can all huddle tomorrow?

From: Lyon, Kayla [mailto:kayla.lyon@iowa.gov]
Sent: Monday, June 26, 2017 12:07 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Douglas.L.Hoelscher[Ex. 6]; Stephanie Groen <Stephanie.Groen@iowa.gov>
Subject: Re: Pruitt Iowa event on the 8th

Good morning, Tate!

I would like to include Stephanie Groen on the call too so we are all on the same page. Could we set up a time for a call? Would 2:00 central work tomorrow?

Thanks!

Kayla

--

Kayla Lyon | Policy Advisor

Office of the Governor, State of Iowa

Gov. Kim Reynolds & Lt. Gov. Adam Gregg

515.725.3520 | kayla.lyon@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 3:40:08 PM
To: kyle.roskam@wisconsin.gov
Subject: Draft - not for distro.

EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."

WASHINGTON – (June 27, 2017) The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

"We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses," said Administrator Scott Pruitt. "This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public."

This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the Executive Order.

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " said Mr. Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.

For the pre-publication Federal Register Notice and additional information: http://www.epa.gov/wotus-rule

Elizabeth Tate Bennett

Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 4/29/2017 5:53:08 PM
To: Larry Pearce [larry@governorscoalition.org]
CC: Kristin Allan [kristin.allan@nebraska.gov]
Subject: Re: Follow up to Governors' Call

I'm intergov specifically with a focus over governors. Troy manages both intergov and congress

On Apr 29, 2017, at 8:59 AM, Larry Pearce <larry@governorscoalition.org> wrote:

> Thanks. Is Troy intergovernmental?
> You'll have a list on Monday morning.
>
> lp
>
>> On Apr 29, 2017, at 7:55 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> Ah sorry about that! Yes! Troy Lyons- Lyons.Troy@epa.gov. Thanks, Larry. Appreciate it.
>>
>> On Apr 29, 2017, at 8:52 AM, Larry Pearce <larry@governorscoalition.org> wrote:
>>
>>> Yes, I have your note to Kristin. I have the substantive staff contacts for NE, SD and IA but not sure about comm. directors since they change frequently. I'll get you an updated list on Monday morning. And do you have the contact info for Troy whom the Administrator mentioned on the call? I'd like to finish the draft thank you letter and want to CC you and Troy as as well as other key EPA staff.
>>>
>>> Thanks.
>>>
>>> lp
>>>
>>>> On Apr 29, 2017, at 7:39 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>>>
>>>> Hey Larry! I actually reached out to Kristin after the call looking for your contact info as well. Look forward to working together!
>>>>
>>>> Do you mind passing along the contact info for the three governors' chiefs and communications directors? Thank you!

On Apr 29, 2017, at 8:05 AM, Larry Pearce <larry@governorscoalition.org> wrote:

> Tate,
> Thanks for helping with the call yesterday. I was as pleased as the governors were with the positive tone of the discussion with Administrator Pruitt. It couldn't have gone any better.
> I'm drafting the thank you/follow up letter to the Administration, and I want to CC the EPA point of contacts. I have your info but just have Troy's first name. Can you please send me Troy's contact information as well other EPA staff who should be copied on the letter. Thanks.
>
> Larry

GOVERNORS' BIOFUELS COALITION

larry@governorscoalitio
Ex. 6 direct
cell

Larry Pearce
Executive Director
Governors' BioFuels Coalition

P.O. Box 94922
Lincoln, NE 68509
www.GovernorsBiofuels

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/18/2017 10:55:10 PM
To: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Subject: Re: Contact Info for EPA Liaison

Was a joke!

On May 18, 2017, at 6:53 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:

> OOOps. Hope I'm not in trouble with them!
>
> ---
>
> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Sent:** Thursday, May 18, 2017 6:46 PM
> **To:** Lydon, Kathy
> **Subject:** [External] Re: Contact Info for EPA Liaison
>
> Thanks! Was just told Sec. Price has us beat!
>
> On May 18, 2017, at 6:42 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:
>
>> Hi Tate: I meant to tell you when you came in to brief yesterday that so far, EPA-IG gets the award for the agency with the most visits to Govs' reps. Keep up the great work, as we very much appreciate your outreach. Best, Kathy
>>
>> ---
>>
>> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
>> **Sent:** Thursday, May 18, 2017 6:32 PM
>> **To:** Bennett, Tate
>> **Subject:** [External] Contact Info for EPA Liaison
>>
>> Hi there—
>>
>> Apologies if this e-mail is repetitive for some of you, but my name is Tate Bennett and I'll be serving as your intergovernmental liaison to Administrator Scott Pruitt's office here at EPA. Happy to be on board!
>>
>> Just wanted to send you all a quick e-mail with my contact info (below) and to let you know I'm happy to receive any written correspondence electronically that might be headed our way/ flag any meeting or speaking requests up the chain.

Look forward to working together.

-Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Intergovernmental Relations

Office of the Administrator

U.S. Environmental Protection Agency

Bennett.Tate@EPA.gov

Ex. 6 (direct/cell)

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/18/2017 10:46:32 PM
To: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Subject: Re: Contact Info for EPA Liaison

Thanks! Was just told Sec. Price has us beat!

On May 18, 2017, at 6:42 PM, Lydon, Kathy <Kathy.Lydon@illinois.gov> wrote:

> Hi Tate: I meant to tell you when you came in to brief yesterday that so far, EPA-IG gets the award for the agency with the most visits to Govs' reps. Keep up the great work, as we very much appreciate your outreach. Best, Kathy
>
> ---
>
> **From:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Sent:** Thursday, May 18, 2017 6:32 PM
> **To:** Bennett, Tate
> **Subject:** [External] Contact Info for EPA Liaison
>
> Hi there—
>
> Apologies if this e-mail is repetitive for some of you, but my name is Tate Bennett and I'll be serving as your intergovernmental liaison to Administrator Scott Pruitt's office here at EPA. Happy to be on board!
>
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>
> Look forward to working together.
>
> -Tate
>
> Elizabeth Tate Bennett
>
> Senior Deputy Associate Administrator

Intergovernmental Relations

Office of the Administrator

U.S. Environmental Protection Agency

Bennett.Tate@EPA.gov

Ex. 6 (direct/cell)

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/18/2017 10:43:42 PM
To: Lydon, Kathy [Kathy.Lydon@illinois.gov]
Subject: Re: Contact Info for EPA Liaison

We are regulars

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Sent: 6/8/2017 6:46:09 PM
To: mcbrideb@michigan.gov
Subject: FW: White House, EPA Honor Student Award Winners

FYI. See you tomorrow. The link should have the details.

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, June 8, 2017 2:38 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: White House, EPA Honor Student Award Winners

CONTACT: press@epa.gov

EPA Announces Student Award Winners

WASHINGTON (June 8, 2017)- The U.S. Environmental Protection Agency (EPA) today announced the winners of the 2016 President's Environmental Youth Award (PEYA). The program recognizes outstanding environmental stewardship projects by K-12 youth. These students demonstrate the initiative, creativity, and applied problem-solving skills needed to tackle environmental problems and find sustainable solutions.

Fifteen projects are being recognized this year, from 13 states: California, Colorado, Connecticut, Florida, Nebraska, New Jersey, Michigan, Pennsylvania, South Carolina, Texas, Utah, Virginia, and Washington.

"Today, we are pleased to honor these impressive young leaders, who demonstrate the impact that a few individuals can make to protect our environment," said **EPA Administrator Scott Pruitt**. "These students are empowering their peers, educating their communities, and demonstrating the STEM skills needed for this country to thrive in the global economy."

Each year the PEYA program honors environmental awareness projects developed by young individuals, school classes (kindergarten through high school), summer camps, public interest groups and youth organizations.

This year's PEYA winners conducted a wide range of activities, such as:
- developing a biodegradable plastic using local agricultural waste product;
- designing an efficient, environmentally friendly mosquito trap using solar power and compost by-product;
- saving approximately 2,000 tadpoles to raise adult frogs and toads;
- implementing a hydroponics and aquaculture project in a high school;
- repurposing over 25,000 books;
- creating an environmental news YouTube channel;
- organizing recycling programs to benefit disaster victims and underserved community members;
- reclaiming and repurposing over 4,000 discarded pencils within their school;
- promoting food waste reduction;
- creating a small, portable tool to prevent air strikes of migratory birds;

- engaging their community in a program to save a threatened bird, the Western Snowy Plover;
- testing grey water to encourage water conservation;
- promoting bee health;
- uniting their schools to address local environmental issues.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young people for protecting our nation's air, water, land and ecology. It is one of the most important ways EPA and the Administration demonstrate commitment to environmental stewardship efforts created and conducted by our nation's youth.

For information on environmental education at EPA, visit:
https://www.epa.gov/education.

R109

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/27/2017 10:06:02 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
BCC: Hoelscher, Douglas L. EOP/WHO [Ex. 6 Clark, Justin R. EOP/WHO Ex. 6]; caleb.jones@governor.mo.gov; Adam Nordstrom [adam.nordstrom@cch-llc.com]; Groen, Stephanie [stephanie.groen@iowa.gov]; kristin.allan@nebraska.gov
Subject: FYI Mentioned Below

Doesn't reflect all but we will keep adding.

From: EPA Press Office [mailto:press=epa.gov@cmail20.com] **On Behalf Of** EPA Press Office
Sent: Tuesday, June 27, 2017 5:58 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: WTAS: Leaders Praise The Trump Administration's Move To Rescind WOTUS

WHAT THEY ARE SAYING

Elected Leaders Praise The Trump Administration's Move To Rescind WOTUS

WASHINGTON - With the EPA moving to rescind WOTUS, leaders from across the country are praising this decision.

WHAT GOVERNORS ARE SAYING ...

Governor Sam Brownback (KS): "The Clean Water Rule was another example of bureaucrats in Washington, D.C. trying to run Kansas farms and ranches. Our state is a leader in water innovation, and Kansans have come together through community-led water preservation efforts spurred by our 50-year Water Vision. Our farmers and ranchers know best how to steward their water. We appreciate that President Trump and the EPA will now let our farmers farm and ranchers ranch." (Press Release, 06/27/17)

Governor Doug Burgum (ND): "Clean water is critical to quality of life and our economy, and no one cares more about clean water in North Dakota than the people who live here. Today's action is a welcome step toward a rule recognizing that states are best positioned to protect, manage and regulate their own waters. The Obama administration's WOTUS rule was a particularly egregious example of regulatory

overreach that effectively classified almost every pond, pothole and slough as a federal managed waterway, creating confusion and uncertainty for farmers, ranchers, landowners and local governments. We are encouraged that the EPA and Corps of Engineers have been reaching out to governors early in this renewed rulemaking process, and we hope such consultation will continue and culminate in a rule that respects states' authority and unique role in protecting their water resources. We are grateful to EPA Administrator Scott Pruitt for his leadership on this issue." (Press Release, 06/27/17)

Governor Eric Greitens (MO): "When we took office, we asked our farmers and ranchers what we could do to fight for them. One of the things we heard is that they needed our help to push back against Obama's Waters of the US regulations. Well, we took that message to Washington D.C. and the good news is they've heard us. They've heard that Obama's Waters of the US regulations are hurting family farmers." (Facebook, 06/27/17)

Governor Kim Reynolds (IA): "Waters of the United States was a significant and severe case of government overreach by the Obama administration. I want to thank Secretary Pruitt for recognizing that WOTUS forced onerous and unnecessary burdens on Iowa's farmers and businesses. I also want to express my appreciation to the Trump administration for its continuing commitment to work with states, not against them." (Press Release, 06/27/17)

Governor Pete Ricketts (NE): "Thank you to President Trump and Administrator Pruitt for delivering on your promise to roll back this job-killing regulation. This policy returns federal oversight of intra-state waterways to pre-2015 standards, respects the rights of private land owners and states, and provides for ample protection of clean water. Removing this threat to our state's top industries gives Nebraska the freedom to grow more opportunities for the next generation in the areas of agriculture and manufacturing." (Press Release, 06/27/17)

WHAT SENATORS ARE SAYING ...

Senate Ag Chairman Pat Roberts: "I'm pleased Administrator Pruitt and the EPA has listened to our concerns and has taken an important first step to rescind the infamous WOTUS rule. For too long, this rule has burdened not only farmers and ranchers, but landowners of all sizes, across the country. With a rewrite of the WOTUS rule, I look forward to seeing a rule that recognizes and respects the environmental strides taken by the American farmer and rancher. I'm grateful to have an EPA that listens to and addresses the concerns of rural America, a vital segment of our economy and true stewards of our natural resources." (Press Release, 06/27/17)

Senator Joni Ernst (IA): "I am pleased that the Trump administration is taking another important step toward eliminating this burdensome WOTUS rule. In Iowa, 97 percent of

the land is subject to extensive overregulation by the EPA and unnecessarily hamstrings our farmers, businesses and manufacturers. All across Iowa, folks are calling for this rule to be scrapped, which is why I have led efforts in the Senate to do just that. This is good news for Iowa and rural communities across the country as we move closer to finally eliminating this overreaching rule." (Press Release, 06/27/17)

Senator Deb Fischer (NE): "Today's announcement from the administration signals another important step toward full removal of the harmful WOTUS rule. All Nebraskans would have been affected by the far-reaching consequences of this misguided policy. I will continue to monitor the WOTUS withdrawal process to help ensure we see common-sense rulemaking that puts Nebraskans in charge of the decisions involving our state's water resources." (Press Release, 06/27/17)

Senator Chuck Grassley (IA): "This is great news for accountability in government. This was a bad regulation drafted under a bad process. The EPA over-reached its authority and ignored and manipulated legitimate concerns raised by the public. Farmers, land owners and builders in Iowa struggled to make sense of the regulation. Having the federal EPA and the Corps of Engineers require permits for routine land use decisions is a waste of resources that are better used enforcing existing regulations against discharging pollutants into the nation's waterways. Agencies ought to enforce the laws as Congress intended, not stretch beyond their authority to inflict unnecessary expense and red tape on law-abiding farmers and employers." (Press Release, 06/27/17)

Senator Dean Heller (NV): "Given that the Nevada is the driest state in the nation, water is a precious resource to Nevadans. Whether it's Marlow from Ruby Valley or Darryl from Yerington, Nevadans around the state have told me that they fear the WOTUS rule provides federal agencies with almost unlimited authority to regulate their farms and ranches at their own discretion. … I applaud the EPA for taking additional steps to repeal the WOTUS rule, which has burdened rural Nevadans and stifled job creation in Nevada." (Press Release, 06/27/17)

Senator Steve Daines (MT): "Today marks the beginning of restoring private property rights while protecting our environment. Out of state D.C. bureaucrats shouldn't impose regulations that hurt Montana farmers, ranchers and landowners." (Press Release, 06/27/17)

WHAT REPRESENTATIVES ARE SAYING …

Speaker of the U.S. House, Paul Ryan: "The West has finally won in the battle over the Obama administration's WOTUS rule. This regulation would have been a disaster for the West and rural communities across the country, giving Washington near-total control over water resources. The livelihoods of American farmers, ranchers, and entrepreneurs were at stake. I applaud the Trump administration for siding with American jobs and rescinding this harmful rule." (Twitter, 06/27/17)

House Ag Chairman K. Michael Conaway (TX): "WOTUS has never been about clean water, it was about feeding the Obama EPA's insatiable appetite for power. Well that ends now. Today's EPA announcement is an important first step to getting the federal government out of America's backyards, fields and ditches and restoring certainty and integrity to our regulatory process. But our work isn't done. As the case of California farmer John Duarte clearly highlights, the Corps and DOJ also need to re-evaluate and revise their enforcement of the Clean Water Act and WOTUS to ensure we protect our farmers and ranchers from onerous fines and penalties that threaten their way of life. I have confidence this administration will get the policy right and allow farmers and ranchers to be the capable stewards of the land they've always been." (Press Release, 06/27/17)

U.S Rep. Liz Cheney (WY): "The Clean Water Rule was a power grab by the Obama Administration that attempted to expand federal control and regulations well beyond the initial scope of Waters of the U.S. The rule threatened the loss of precious resources for hardworking ranchers and farmers in Wyoming, and if left unchecked, would have devastated our rural economy. I am pleased to see EPA Administrator Pruitt and the Army Corps of Engineers taking these steps to return power to the states and provide them with regulatory certainty. I also remain committed to working in Congress towards a full repeal of burdensome regulations imposed by the previous administration." (Press Release, 06/27/17)

U.S. Rep. Doug Collins (GA): "Northeast Georgia farmers, ranchers, and small businesses are natural conservationists who have been overburdened by the illogical Waters of the United States regulation. I applaud the Army Corps of Engineers and Environmental Protection Agency for their move to repeal the WOTUS rule in favor of statutes that actually serve our communities and steward their natural resources wisely." (Press Release, 06/27/17)

U.S. Rep. Bob Gibbs (OH): "I applaud Administrator Pruitt's announcement to withdraw the Obama-era Waters of the United States rule, which expanded federal authority at the expense of the states and eroded private property rights. The EPA should not treat farmers, ranchers, homebuilders, local governments, or state environmental agencies as adversaries but rather collaborators in drafting a new WOTUS rule. American farmers who feed the world are among those most concerned with protecting our environment. The next WOTUS rule should take their opinions and concerns into account and I look forward to working with Administrator Pruitt to craft a reasonable rule that protects the environment and private property rights at the same time." (Press Release, 06/27/17)

U.S Rep. Louie Gohmert (TX): Washington bureaucrats in cubicles should not be deciding the fate of our waterways, nor should they be allowed to completely and arbitrarily control the economic fate of landowners even to the point of ending their ability to make a living. Unelected bureaucrats have, for years, been enviously dreaming

of the day they could control American landowners' property by the backdoor methods of completely controlling everything involving water on or near the land. Repealing the Obama Administration's WOTUS Rule is essential in getting the federal government out of everyday farming operations. It is neither right nor fair to subject producers and landowners to jurisdictional protocols and extraordinary levels of compliance charges. Today the EPA took a giant step forward in safeguarding the water rights of hard-working Americans and ending the federal power grab the Obama Administration engineered. It is a victory for those who love liberty and something called private property." (Press Release, 06/27/17)

U.S. Rep. Mike Johnson (LA): "The so called 'WOTUS Rule' was a gross overreach by the Obama Administration and put mud puddles and backyard ditches under government control. Farmers and every day Americans all across the country have been subjected to new, burdensome regulations that kill jobs and further hinder the economy. Removing this rule will restore common sense to water regulation and return power back to the states and to the people." (Press Release, 06/27/17)

U.S. Rep. Doug Lamborn (CO): "The previous administration used the vague language in the WOTUS Rule to harm local communities—including ranchers, farmers, small business owners. I am grateful that this new ruling will establish regulatory certainty and restore order to state and tribal water laws that should have jurisdiction over these bodies of water. I look forward to a revision of this rule that will empower local landowners instead of giving power solely to the federal government." (Press Release, 06/27/17)

U.S. Rep. Cathy McMorris Rodgers (WA): "WOTUS is one of the most burdensome EPA rules of the Obama Administration. You think about the impact it's had on rural communities, on our cattlemen and farmers— it's making it more and more difficult for hardworking Americans to be successful. It's something I've heard about frequently in Eastern Washington. Thank you to President Trump and his administration for taking action to ensure this rule no longer targets our rural communities." (Press Release, 06/27/17)

U.S. Rep. Martha McSally (AZ): "WOTUS is a sweeping regulation written by unelected bureaucrats that would give the EPA jurisdiction over any type of body of water on private land—lakes, ponds, creeks, and even desert washes. I have heard from countless small businesses, farmers, and ranchers that this rule prevents them from doing their job, which is why I led dozens of my colleagues in Congress in writing to the Administration in February urging the President to reverse this rule for the sake of Southern Arizona and communities throughout the United States. I am pleased with the EPA's decision to repeal the harmful WOTUS rule—and I know that Americans across the country are relieved by this news." (Press Release, 06/27/17)

U.S Rep. Kristi Noem (SD): "Under the Obama-era WOTUS rule, treating your lawn for mosquitos, putting up a fence in your backyard or spraying your crops could become federally regulated activities that carry substantial fines if violations occur - knowingly

or unknowingly. The Trump administration is right to propose a repeal." (Press Release, 06/27/17)

U.S. Rep. Scott Tipton (CO): "This announcement from Administrator Pruitt is welcome news. State law and priority-based systems have ensured clean, safe, and reliable water supplies for over a century in Colorado and the West. The WOTUS rule would have usurped long-held state water law and threatened access to private water rights. Western water users will now have much needed certainty while the EPA re-writes the definition of 'Waters of the United States." (Press Release, 06/27/17)

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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BCC: yasamine.august@governor.alabama.gov; katie.beck@governor.arkansas.gov; christine.diaz@eog.myflorida.com; david.hensley@gov.idaho.gov; katrine.franks@gov.idaho.gov; Kathy.Lydon@Illinois.gov; debbie@hohlt.com; stephanie.groen@iowa.gov; larry.behrens2@state.nm.us; Debbie.carney@governor.ms.gov; caleb.jones@governor.mo.gov; ryan@nevadadc.org; justin.barnes@governor.ohio.gov; twalker@governor.sc.gov; Rollins, Blake - OSEC, Washington, DC [Blake.Rollins@osec.usda.gov]; Smith, Kelsey (GOV) [Kelsey.Smith@state.sd.us]; Beth.Tipps@tn.gov; tony.venhuizen@state.sd.us; Konenkamp, Matt [Matt.Konenkamp@state.sd.us]; grace.kessler@state.sd.us; marykay.hill@wyo.gov; jerimiah.rieman@wyo.gov; tony.young@wyo.gov; nephi.cole@wyo.gov; catherine.easley@ky.gov; Alexandra Dapolito Dunn [adunn@ecos.org]; Kyle.Roskam@wisconsin.gov; Hoelscher, Douglas L. EOP/WHO [Ex. 6] Johnson, Julia B. EOP/WHO [Ex. 6] Sewell, Jack B. EOP/WHO [Ex. 6] william.h.kirkland [Ex. 6]
Subject: Contact Info for EPA Liaison

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Look forward to working together.

-Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
Bennett.Tate@EPA.gov
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Sent: 5/25/2017 5:43:15 PM
To: marykay.hill@wyo.gov
CC: Cook-Shyovitz, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=324db863c4b540d29852c65d352c8b57-Cook-Shyovitz, Becky]
Subject: new letter from gov. mead
Attachments: 17-000-9257 Mead EO13777.pdf

FYI this has been received! Thanks, Mary Kay!

Tate

From: Cook-Shyovitz, Becky
Sent: Thursday, May 25, 2017 12:07 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE:

FYI, this one just came in from Gov. Mead – comments for the docket on EO 13777

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

2323 Carey Avenue
CHEYENNE, WY 82002

Office of the Governor

May 12, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Evaluation of Existing Regulations – Docket ID No. EPA-HQ-OA-2017-0190

Dear Administrator Pruitt,

I appreciate the Environmental Protection Agency's (EPA) request for input on regulations in need of repeal, replacement or modification. This request stems from President Trump's Executive Order 13777 – Enforcing the Regulatory Reform Agenda. Enclosed is a preliminary list of EPA regulations for your consideration. This is not a comprehensive assessment because of the time constraints. Wyoming remains ready to work with EPA on all regulations with the goal of making them effective and workable.

The mineral industry, agriculture and tourism are all economic drivers in Wyoming. Wyoming is committed to strong workable environmental regulations that keep industry moving and our air, land and water clean. Wyoming has primacy of many federal regulations and is responsible for their effective implementation. The variability of Wyoming's geography, weather, elevation, topography and population require regulations tailored to accommodate its specific needs.

I look forward to a strong partnership with the EPA. This is the best way to develop a regulatory system that promotes economic activity while protecting and preserving environmental resources.

Sincerely,

Matthew H. Mead
Governor

MHM:dp

PHONE: (307) 777-7434

FAX: (307) 632-3909

Encl. Evaluation of Existing Regulations - Docket ID No. EPA-HQ-OA-2017-0190 (Wyoming)

cc: The Honorable Mike Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Liz Cheney, U.S. House of Representatives
Todd Parfitt, Director, Wyoming Department of Environmental Quality

Federal Rule or Policy	Dates	Description	WYDEQ/WQD Recommendation
Water Quality			
NPDES Updates Rule	Proposed: May 18, 2016 Extended Comment Deadline: Aug. 2, 2016	EPA is proposing to update the NPDES regulations in order to eliminate inconsistencies between regulations and application forms, improve permit documentation and transparency, and provide clarifications to the existing regulations. Likely updates include: definition updates, application requirements for vessels and pesticides, effluent limit bases--max daily/average monthly for POTWs, reasonable potential, conflicts of interest, fact sheet requirements, public notice requirements, §401 certification process, anti-backsliding, anti-degradation, and objection to administratively continued permits. The proposal is published in the Federal Register at: https://federalregister.gov/a/2016-11265	Re-work
Waters of the US (WOTUS)	Draft Guidance sent to OMB: Feb. 2012 Proposed Rule Sent to OMB: Sept. 17, 2013 Draft version of rule leaked: Nov. 17, 2013	In May 2011, EPA and the Army Corp of Engineers (Corps) released for public comment draft guidance for determining whether a waterway, waterbody, or wetland is jurisdictional as a Water of the U.S." ("WOTUS") under the CWA. EPA received 230K comments on the draft WOTUS guidance document. On 9/17/13, EPA and the Corps announced that they had withdrawn the guidance from OMB and sent to OMB a proposed rulemaking instead. Existing 2008 guidance remains in place. On 11/7/2013, a version of the draft proposed rule was leaked to the press. EPA	Remand

	Proposed: April 21, 2014 Comment Deadline: Nov. 14, 2014 ACWA Comments: Nov. 12, 2014 Final: June 29, 2015 Effective Date: Aug. 28, 2015 Stay: October 9, 2015	indicated that the leaked version is not the final version sent to OMB. On 4/21/14, EPA published the proposal in the Federal Register, along with an associated "Interpretive Rule" on exemptions from CWA jurisdiction for certain agricultural conservation practices. On Jan. 9, 2015, EPA and the Corps withdrew the Interpretive Rule. The final rule was published in the Federal Register on 6/29/15 and made effective on 8/28/15. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the WOTUS Rule. The EPA and Corps resumed using the previous regulations and case law defining "WOTUS." ACWA will work with EPA/Corps on coordinating opportunities for states to discuss implementation questions and training needs.	
Recommended Aquatic Life Ambient Water Quality Criterion for Selenium in Freshwater	Draft Rule: July 2015 Response to 2015 Public Comments: June 30, 2016 Final: July 13, 2016	The 2016 criterion document is the final update of EPA's 1999 recommended national chronic aquatic life criterion for selenium. The 2016 criterion reflects the latest scientific knowledge, which indicates that selenium toxicity to aquatic life is primarily based on organisms consuming selenium contaminated food rather than by being exposed only to selenium dissolved in water. The link to the Federal Register is here: https://federalregister.gov/a/2016-16585 The link to the fact sheet is here: https://www.epa.gov/sites/production/files/2016 06/documents/se 2016 fact sheet final pdf	Re-work
Environmental Standards for Uranium and Thorium Mill Tailings (40 CFR 192)	Proposed: January 26, 2015	Proposes to add a new subpart to address potential changes in groundwater at uranium in-situ recovery facilities.	Remand
CERCLA Section 108(b)	Proposed:	On January 29, 2016, the US Court of Appeals for	Re-work

Financial Responsibility	December 1, 2016	the District of Columbia Circuit issued an order establishing a schedule for EPA proceedings under CERCLA 108(b). The order requires EPA to sign a notice of proposed rulemaking for the hardrock mining industry by December 1, 2016, and to take final action by December 1, 2017. Conflicts with existing CERCLA and UMTRCA rules.	
Federal Baseline Water Quality Standards for Indian Reservations	Advance Notice of Proposed Rulemaking: September 19, 2016 Comment Deadline: Dec. 28, 2016	Invitation to comment on whether to establish federal baseline water quality standards (WQS) for indian reservation waters that currently do not have CWA WQS in place.	Re-work
USACE - Proposal to Reissue and Modify the 2017 Nationwide Permits	Comment Deadline: Aug. 1, 2016	Solicitation for comments on proposal to modify nationwide permits for dredge and fill activities.	Expedite finalization of revised permits prior to March 18, 2017.
EPA - Policy to determine 'current use' of aquifers for Aquifer Exemptions	Under development	EPA proposal to modify the approach for establishing whether an aquifer currently serves as a source of drinking water.	Re-work
EPA Region 8 – Policy on determining 'significant deficiencies' from Sanitary Surveys of Public Water Systems	In effect.	EPA's policy for determining significant deficiencies of public water systems in Wyoming is inconsistent with policies implemented in other Region 8 states and can result in expensive system modifications which yield little, if any additional protection of the drinking water system.	Remand
Steam Electric Power Generating Effluent Guidelines - 2015 Final Rule	In effect	EPA, on September 30, 2015, finalized a rule revising the regulations for the Steam Electric Power Generating category (40 CFR Part 423).	Re-work

		The rule sets the first federal limits on the levels of toxic metals in wastewater that can be discharged from power plants, based on technology improvements in the steam electric power industry over the last three decades. Some Wyoming facilities have incurred costs to implement.	
Air Quality			**WYDEQ/AQD Recommendation**
Regional Haze Rule/Protection of Visibility **(82 FR 3078 - Rule)** **(81 FR 44608 – Guidance)**	Rule Proposed: May 4, 2016 Finalized: January 10, 2017 Guidance Draft Proposed: June 30, 2016 Not Yet Finalized	EPA finalized changes to the protection of visibility requirements for Class I areas, often referred to as regional haze (RH) requirements, in State Plans. The regional haze rule contained some provisions WYDEQ would like retained: • Progress reports are no longer required to be SIP revisions • Uniform rate of progress line begins on December 31, 2004. • Most impaired days changed to mean most *anthropogenically* impaired. • Allows states to account for prescribed fires and wildfires. • Extends the next State Plan deadline from 2018 to 2021. • Requires a public comment period of 30 days rather than 60. • Reschedules due dates for progress reports. • EPA clarified 309 provisions. WYDEQ also identified portions of the rule that made the rule unnecessarily complicated, more burdensome, and shifted authority away from the state: • States must use IMPROVE data from 6 months prior	Modify/re-work

		to the progress report due date rather than 12. • Allows Federal Land Managers to make certifications, requiring states to revise its plan. • Rule now requires an illogical analytical sequence when determining long-term impacts. • Adjustments for international impacts must be done by the state then approved by the EPA Administrator. • Smoke management program assessment must include a statement about ecosystem health. • FLM consultation must now take place at least 120 days prior to any public hearing or other comment opportunity.	
Landfills **40 CFR 60 Subparts XXX Performance Standards (80 FR 59332)** **40 CFR 60 Subpart Cf Emission Guidelines (80 FR 59276)**	Finalized: August 29, 2016	The rulemaking lowered emission limits for requiring a gas collection and control system from 50 metric tons to 34 metric tons of non-methane organic compounds (one component of landfill gas). The rules apply to all landfills that have accepted waste since 1987 and that were constructed on or before July 17, 2014, including landfills previously subject to 40 CFR 60 Subparts Cc and WWW. This has the potential to be duplicative and confusing for regulated sources in Wyoming.	Re-work/repeal
40 CFR part 51, Appendix W (82 FR 5182)	Finalized: January 17, 2017 Effective: May 22, 2017	Appendix W allows for a tiered approach for addressing ozone from proposed projects: a literature review of how a project may affect ozone or the use of photochemical grid modeling. A literature review relies on past photochemical grid models that have been run to demonstrate that a projects emissions would not adversely affect ozone. This literature review does not provide any significant value over the use of photochemical grid modeling as few models have	Modify/re-work

		been run on a single source basis. In addition, photochemical grid modeling is a very specialized skill set of which there are only a few stakeholders capable a running these complex models and there are currently no models that replicate wintertime ozone formation. The WYDEQ requests that this rule be revised, as it may require single source photochemical grid modeling which places a significant burden on applicants with limited resources on determining compliance with the ozone standard.	
40 CFR Part 58, Appendix A (81 FR 17280)	Finalized: March 28, 2016	WYDEQ requests a review of 40 CFR Part 58 Appendix A (Appendix A) requirements. The latest revisions to Part 58, published March 28, 2016, include an extension of the applicability of Appendix A to industrial monitors, compelling these monitors to follow all Part 58 requirements if their data are to be compared to the NAAQS (Appendix A, 1.1). The revisions to certain sections of Appendix A, like Quality Management Plan (QMP) requirements, QAPP requirements, Technical System Audit (TSA) requirements, and independent auditing, are creating undue economic and resource burdens on industrial sources, WYDEQ, and EPA Region 8 though EPA's narrow interpretation that the EPA Regional Administrator and/or Regional staff must complete oversight and approval activities. The WYDEQ respectfully requests a review and possible revision to the Appendix A language to assure that States may be delegated the authority to perform quality oversight on industrial monitors operated in that state	Modify/re-work
Exceptional Events Rule	Finalized:	WYDEQ respectfully requests a review of the	Modify/re-work

(81 FR 68216)	October 3, 2016	"Exceptional Events Rule" in 40 CFR Part 50.14. Changes published October 3, 2016 include many attempts to "streamline" the Rule. However, the narrowing of the scope of applicability to only data points being used in regulatory determinations severely limits a state's ability to exclude uncontrollable natural and exceptional events from the data record. While the ability exists to demonstrate significance to the Regional Administrator for a review of an event, this practice is untested and guidance does not exist on making such demonstrations. Many State, Local, and Tribal agencies may not be in a position of facing non-attainment but still believe that exceptional event-affected exceedances should be taken out of the data record for other reasons such as use in future modeling, etc.	
Litigated Regulations		WYDEQ believes there are a number of regulations currently being litigated that meet the criteria for modification, repeal, or replacement as per Executive Order 13777. The Carbon Pollution Standards for new and modified electric generating units has already been selected for review and WYDEQ supports the decision to review it. WYDEQ also believes that the Mercury and Air Toxics Standards, as with the Clean Power Plan, should be reviewed. Given air quality primacy and regulatory concerns related to the recent Bureau of Land Management (BLM) rule addressing venting and flaring on BLM managed land, WYDEQ supports the decision to review the rule.	Re-work/repeal
Solid Waste			WYDEQ/SHWD Recommendation

Coal Combustion Residuals 40 C.F.R. 257	Proposed: June 21, 2010 Final: July 26, 2016	EPA developed rules to establish location standards and operating criteria for coal ash surface impoundments and landfills. Wyoming is already regulating these facilities and does not believe these standards are necessary.	Re-work
Used Cathode Ray Tubes (CRTs) 40 C.F.R. 261.4(a)(22)	Final: May 19, 1980	CRTs are difficult to dispose of due to the regulation under RCRA Subtitle C and therefore accumulate at rural landfills. Wyoming would recommend relaxing disposal standards for CRTs to allow disposal at municipal solid waste landfills.	Re-work
Hazardous Waste Generator Rule 40 C.F.R. 262.10(g)(2)	Final: November 28, 2016	Under this rule, even a minor violation could result in a facility being subject to multiple permit violations and very large penalties. Wyoming believes this to be unnecessarily burdensome on operators.	Re-work
UST State Program Approval 40 C.F.R. 281	Final: July 2015	EPA developed regulations governing the process by which States obtain primacy of the Underground Storage Tank Program. This process is unduly burdensome and many states are frustrated with the prolonged process.	Re-work
UST State Program Approval 40 C.F.R. 281 Policy	Final: May 2008	States expend considerable resources pursuing State Program Approval. Current policy prohibits states from charging their time spent pursuing program approval to the EPA LUST prevention grant.	Re-work
Land Quality			WYDEQ/LQD Recommendation
OSMRE Blasting 80 FR 9256 https://www.regulations.gov/document?D=OSM-2014-0003-0123	Final decision re: petition for rulemaking published 2/20/2015.	Wyoming regulates blasting activity through air and land quality permitting under state primacy and does not feel the rulemaking is necessary.	Rescind

	Draft rules yet to be published.		
OSMRE-EPA Coal Combustion Residuals 72 FR 12026 https://www.osmre.gov/programs/TDT/ccrs.shtm	Advanced notice of proposed rulemaking published 3/14/2007. Draft rules yet to be published.	Proposed rulemaking for disposal of coal combustion residuals in mine fills. Wyoming is already regulating these facilities and does not believe these standards are necessary.	Rescind
EPA CERCLA 108(b) 82 FR 3388 https://www.gpo.gov/fdsys/pkg/FR-2017-01-11/pdf/2016-30047.pdf	EPA Administrator signed proposed rule 12/1/2016. Public comment on proposed rules begins 1/11 and comment extended to 7/11/2017	Conflicts with existing CERCLA and UMTRCA rules. Exemption of uranium producers would resolve concern.	Withdraw and rework
EPA 40 CFR 192 80 FR 4156 https://www.epa.gov/radiation/40-cfr-part-192-2015-proposed-rulemaking-and-background-documents	On 1/3/2017 the EPA signed proposed rules	New ground water protection standards at facilities that extract uranium using the ISR process. EPA did not consult with states. Draft Final rule contained excessive monitoring	Withdraw and rework

	comment period ends 7/18/2017	requirements.	
EPA 40 CFR 61 Subpart W 79 FR 25388 https://www.epa.gov/radiation/subpart-w-rulemaking-activity-documents	Waiting for rule publication date	NESHAP Subpart W is a radon emission standard for operating uranium mill tailings. EPA did not consult with states during rule making. The final rule contains excessive monitoring requirements. Final rule was signed 12/20/2016.	Withdraw and re-work

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/31/2017 9:45:38 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: RE: Checking in

14th at 12:30 it is! Let's lock it in. Is there a good location for you?

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Wednesday, May 31, 2017 5:43 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Checking in

14th at 11:30 or 12:30?

Sent from my iPhone

On May 31, 2017, at 5:37 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> That day is tough on my end. We will make this work! What about the following week?
>
> **From:** Cody Stewart [mailto:codystewart@utah.gov]
> **Sent:** Wednesday, May 31, 2017 5:29 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** Re: Checking in
>
> 9th would be tough for me but I could do the 7th as well. Would 10:30 or 11:00am work for you on the 7th?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

On Wed, May 31, 2017 at 5:24 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hate to do this, but is the 9th an option? Sorry to move the goalpost here!
>
> **From:** Cody Stewart [mailto:codystewart@utah.gov]
> **Sent:** Wednesday, May 31, 2017 4:57 PM
> **To:** Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** Re: Checking in

3:00 on the 8th?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

On Tue, May 30, 2017 at 2:03 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Actually I completely forgot that I will no longer be attending the Annapolis meeting. The 8th works great. Can you do late afternoon?

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Tuesday, May 30, 2017 1:46 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Checking in

Tate,

Good to hear from you. There is an NGA meeting up in Annapolis so I'm going to be tied up there for a good chunk of the week. How does the following week work for you? Maybe some time on 6/5 or maybe 6/8?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

On Tue, May 30, 2017 at 12:28 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hey Cody!

Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Herbert's priorities.

Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 6:01:14 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: RE: Checking in

I'll be there, and we can plan a plan then! Work ok?

From: Cody Stewart [mailto:codystewart@utah.gov]
Sent: Tuesday, May 30, 2017 1:46 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Re: Checking in

Tate,

Good to hear from you. There is an NGA meeting up in Annapolis so I'm going to be tied up there for a good chunk of the week. How does the following week work for you? Maybe some time on 6/5 or maybe 6/8?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
Ex. 6

On Tue, May 30, 2017 at 12:28 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Hey Cody!
>
> Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Herbert's priorities.
>
> Tate
>
> Elizabeth Tate Bennett
>
> Senior Deputy Associate Administrator
>
> Congressional and Intergovernmental Affairs
>
> Office of the Administrator
>
> U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 4/28/2017 8:19:30 PM
To: kristin.allan@nebraska.gov
Subject: Introductions

Hey Kristin! I wanted to see what the best way to get a hold of Govs. Ricketts, Branstad and Daugaards' chiefs and communications directors might be? Do you have a good POC with the coalition? Just let me know what you think might be easiest!

Best.

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/8/2017 12:43:16 PM
To: Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: Re: Quote from Gov Walker

Nice!!! Thanks

On Jun 8, 2017, at 8:42 AM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:

> For your weekly wrap-up or however else you should want to use it.
>
> "Administrator Pruitt made the right call by delaying implementation of this costly rule which would harm Wisconsin's economy. Our goal is for the federal government to grant the states additional flexibility and to fairly address ozone issues."

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 5:34:43 PM
To: Beth Tipps [Beth.Tipps@tn.gov]
Subject: RE: Checking in

Nothing specific. Just wanted to hear about some, if any priorities, your boss has in our area of jurisdiction. Very topline. Also wanted to introduce myself!

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:27 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Can you tell me a little more about what you'd like to discuss? I may need to check-in with our environment and conservation folks first.

Thanks –
Beth

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 12:24 PM
To: Beth Tipps
Subject: RE: Checking in

Is 5 PM Eastern too late?

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:22 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Later today is great.

TN Tennessee State Government | Office of the Governor

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
Ex. 6
beth.tipps@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 12:20 PM
To: Beth Tipps
Subject: RE: Checking in

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. ***

That would be great. Is tomorrow afternoon or later today OK?

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:17 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Hi Tate -- I'm based in Nashville, TN. Glad to connect by phone if that's helpful.

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
Ex. 6
beth.tipps@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 11:30 AM
To: Beth Tipps
Subject: Checking in

Hey Beth-

Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Haslam's priorities

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/13/2017 1:31:10 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: Re: my apologies

No problem!

On Jun 13, 2017, at 9:28 AM, Cody Stewart <codystewart@utah.gov> wrote:

> but something has come up tomorrow and I'm going to have to postpone our meeting. Unfortunately, I'm going to be doing quite a bit of travel the next few weeks so maybe we'll need to shoot for a rescheduled date sometime towards the end of the month or early July.
>
> Sorry. Hope we get the chance to connect soon!
>
> Cody
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 4/28/2017 6:18:06 PM
To: Bennett.Tate@epa.gov
CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Rees, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Rees, Sarah]; Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Cook-Shyovitz, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=324db863c4b540d29852c65d352c8b57-Cook-Shyovitz, Becky]
BCC: akambour@nga.org; mayor@greensburgks.org; colin.mckee@wyo.gov; dan.desimone@ct.gov; victoria.reinhardt@co.ramsey.mn.us; Tom.sloan@house.ks.gov; drew.johnston@oregon.gov; elizabeth.morriseau@wyo.gov; susanhannpe@gmail.com; gerry.baker@iogcc.state.ok.us; htgonzalez@ci.laredo.tx.us; julie.moore@vermont.gov; kathy.lydon@illinois.gov; katie.beck@governor.arkansas.gov; swilliams@cityofhuntington.com; kbarnes@catawbacountync.gov; kyle.roskan@wisconsin.gov; mludgood@mobile-county.net; nils.tillstrom@portlandoregon.gov; rholwerda@gov.in.gov; cow.75@hotmail.com; robert.kalszewski@ct.gov; spanto@easton-pa.gov; sam.ricketts@gov.wa.gov; scott.bouchie@mesaaz.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b31c0458409142b1a28c0c08a1e19647-scott.bouchie@mesaaz.gov]; syanity@stillaguamish.com
Subject: Quarterly Meetings

All-

On behalf of my colleagues at EPA, I wanted to thank you all for participating in our quarterly feedback session earlier this week. We are excited to get to know each of you. There will many to follow, and please do not hesitate to let us know how we can be of assistance in the meantime.

Have a great weekend!

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 5:20:51 PM
To: Fox, Sally - GOV [Sally.Fox@wisconsin.gov]; Roskam, Kyle - GOV [Kyle.Roskam@wisconsin.gov]
Subject: RE: Call last week

Will call in 10. Thanks!

-----Original Message-----
From: Fox, Sally - GOV [mailto:Sally.Fox@wisconsin.gov]
Sent: Tuesday, May 30, 2017 1:10 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call last week

Yes, the number is Ex. 6 No passcode- it'll automatically connect you when others join the line!

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 1:03 PM
To: Fox, Sally - GOV; Roskam, Kyle - GOV
Subject: RE: Call last week

Works for me! Do you guys have a call in line?

-----Original Message-----
From: Fox, Sally - GOV [mailto:Sally.Fox@wisconsin.gov]
Sent: Tuesday, May 30, 2017 1:00 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: RE: Call last week

Hi Tate- does 1:30 EST today work for you? If not, DNR sounded pretty flexible.

-----Original Message-----
From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 10:29 AM
To: Roskam, Kyle - GOV
Cc: Fox, Sally - GOV
Subject: Re: Call last week

Hey there. If I could do an initial call today, I can screen the issue/ ask for any follow up docs I anticipate my folks will ask for. Then we get them on the phone with DNR later this week?

> On May 30, 2017, at 10:24 AM, Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov> wrote:
>
> Thanks Tate. Sally will take it from here. She will get some times with our DNR, but I think they are very flexible. What times work best for your folks.
>
> Kyle Roskam
> Director of Federal Relations
> Office of Wisconsin Governor Scott Walker kyle.roskam@wisconsin.gov
> Direct: Ex. 6
> Hall of States
> 444 N. Capitol Street, NW
> Suite 544
> Washington, D.C. 20001-1581
>
> -----Original Message-----
> From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
> Sent: Tuesday, May 30, 2017 8:39 AM
> To: Roskam, Kyle - GOV
> Subject: RE: Call last week
>
> Ok cool. A call would work as well.
>
> -----Original Message-----
> From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
> Sent: Tuesday, May 30, 2017 8:36 AM
> To: Bennett, Tate <Bennett.Tate@epa.gov>
> Subject: Re: Call last week
>

> I don't think we chatted about that but happy to do it if I'm forgetting. I left a message for my guy on Friday before the weekend but haven't heard back yet on times.
>
> Sent from my iPhone
>
>> On May 30, 2017, at 8:17 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> I can't recall- are you going to send me a summary on the issue for our policy folks to take a look at?

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 5:19:59 PM
To: Beth Tipps [Beth.Tipps@tn.gov]
Subject: RE: Checking in

That would be great. Is tomorrow afternoon or later today OK?

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:17 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Hi Tate – I'm based in Nashville, TN. Glad to connect by phone if that's helpful.

TN Tennessee State Government | Office of the Governor

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
p| Ex. 6
beth.tipps@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 11:30 AM
To: Beth Tipps
Subject: Checking in

Hey Beth-

Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Haslam's priorities

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 4/7/2017 5:25:16 PM
To: Stephanie.green@iowa.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Sarah Greenwalt (greenwalt.sarah@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: FW: Iowa Antidegradation Issue
Attachments: Iowa DNR letter to Michael Shapiro - EPA Office of Water.pdf; ATT00001.htm; Request for reversal of EPA decision to disapprove Iowa (1).docx; ATT00002.htm

Hi Stephanie!

Ryan Jackson forwarded us your request. We are happy to look into this.

Tate

Elizabeth Tate Bennett
Senior Advisor to the Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Jackson, Ryan
Sent: Friday, April 7, 2017 1:23 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Fwd: Iowa Antidegradation Issue

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

> **From:** "Groen, Stephanie" <stephanie.groen@iowa.gov>
> **Date:** April 7, 2017 at 11:24:50 AM CDT
> **To:** jackson.ryan@epa.gov
> **Cc:** "Benton, Donald" <benton.donald@epa.gov>, Jon Tack <jon.tack@dnr.iowa.gov>, "Lyon, Kayla" <kayla.lyon@iowa.gov>, "Hoelscher, Douglas" Ex. 6
> **Subject: Fwd: Iowa Antidegradation Issue**
>
> Ryan,

My name is Stephanie Groen and I work in Governor Branstad's Federal Relations office in DC. I wanted to follow up on the antidegradation issue that both Governor Branstad and Lt. Governor Reynolds discussed with Administrator Pruitt during their meeting with him in February.

The State is eager to see resolution of this issue. Is there any other information that you need from me to spur the process along?

Thank you for your attention to this very important matter.

Best,
Stephanie

---------- Forwarded message ----------
From: **Groen, Stephanie** <stephanie.groen@iowa.gov>
Date: Fri, Mar 3, 2017 at 11:38 AM
Subject: Iowa Antidegradation Issue
To: "Benton, Donald" <benton.donald@epa.gov>, "Dewey, Amy" <dewey.amy@epa.gov>, "Hale, Michelle" <hale.michelle@epa.gov>, "Anderson, Denise" <anderson.denise@epa.gov>
Cc: "Hoelscher, Douglas" <[Ex. 6] "Lyon, Kayla" <kayla.lyon@iowa.gov>, Jon Tack <jon.tack@dnr.iowa.gov>

Don and EPA Team,

Thank you, again, for your assistance in coordinating the meeting last week between Administrator Pruitt and Governors Branstad, Dayton, Holcomb, and Lt. Governor Reynolds. My bosses were extremely pleased with how the meeting went and are looking forward to working with Administrator Pruitt over the coming months and years.

On that note, I wanted to follow up with you regarding the antidegradation issue that Governor Branstad and Lt. Governor Reynolds discussed with the Administrator.

Attached you will find a letter to Michael Shapiro from Jon Tack, the Chief of the Iowa Water Quality Bureau, detailing our request to Administrator Pruitt to reconsider the late-night Obama Administration disapproval of Iowa's revisions to our Antidegradation Implementation Procedures. Administrator Pruitt seemed eager to work with Governor Branstad and Lt. Governor Reynolds to resolve this issue.

I have also attached some talking points that provide more details on the issue.

We look forward to working with your team and are hopeful for a quick reversal of the decision from the Obama-Administration EPA Team.

Please let me know if there is any further information that you need from me regarding this issue.

Best,
Stephanie

--
--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/2/2017 8:31:02 PM
To: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: Re: EPA Call with Quinn William (WI Dept Natural Resources)

Ex. 6

On Jun 2, 2017, at 4:23 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

Thanks Tate!

Do you have her number?

On Jun 2, 2017, at 3:16 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Sarah is Greenwalt.sarah@epa.gov

On Jun 2, 2017, at 2:37 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

Hello everyone:

Let's use this conference line phone number for today's call:

Ex. 6

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

<Picture (Device Independent Bitmap) 1.jpg> dnr.wi.gov
<Picture (Device Independent Bitmap) 2.jpg> <Picture (Device Independent Bitmap) 3.jpg> <Picture (Device Independent Bitmap) 4.jpg> <Picture (Device Independent Bitmap) 5.jpg> <Picture (Device Independent Bitmap) 6.jpg>

-----Original Appointment-----
From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, May 31, 2017 6:30 PM
To: Greenwalt, Sarah; Bennett, Tate; Williams, Quinn L - DNR; Roskam, Kyle - GOV; Wagner, Kenneth
Cc: Dominguez, Alexander; Girard, Alexander C - GOV
Subject: EPA Call with Quinn William (WI Dept Natural Resources)
When: Friday, June 02, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Sarah/Tate to call 608-266-1318 (Room 3315D)

Sent Thu 6/1/2017 10:25 AM
Hey Quinn – I apologize but we are going to have to push this until tomorrow as both Tate and Sarah's schedules got backed up this morning. To play it on the safe side would you be able to do tomorrow (Friday) afternoon say 3:30 or 4:00 ET? We shouldn't run into any issues then.

Alex

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared

this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is Ex. 6 and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

<< File: 2016 03 04_WI CAFO VTA letter.pdf >>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/2/2017 8:16:26 PM
To: Williams, Quinn L - DNR [Quinn.Williams@wisconsin.gov]
Subject: Re: EPA Call with Quinn William (WI Dept Natural Resources)

Sarah is Greenwalt.sarah@epa.gov

On Jun 2, 2017, at 2:37 PM, Williams, Quinn L - DNR <Quinn.Williams@wisconsin.gov> wrote:

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Ex. 6

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov
CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

<Picture (Device Independent Bitmap) 1.jpg> dnr.wi.gov

<Picture (Device Independent Bitmap) 2.jpg>
<Picture (Device Independent Bitmap) 3.jpg>
<Picture (Device Independent Bitmap) 4.jpg>
<Picture (Device Independent Bitmap) 5.jpg>
<Picture (Device Independent Bitmap) 6.jpg>

-----Original Appointment-----
From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]
Sent: Wednesday, May 31, 2017 6:30 PM
To: Greenwalt, Sarah; Bennett, Tate; Williams, Quinn L - DNR; Roskam, Kyle - GOV; Wagner, Kenneth

Cc: Dominguez, Alexander; Girard, Alexander C - GOV
Subject: EPA Call with Quinn William (WI Dept Natural Resources)
When: Friday, June 02, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Sarah/Tate to call 608-266-1318 (Room 3315D)

Sent Thu 6/1/2017 10:25 AM
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Alex

Quinn L. Williams
Chief Legal Counsel
Director - Bureau of Legal Services
Wisconsin Department of Natural Resources
(☎) phone: Ex. 6
(☎) fax: (608) 266-6983
(✉) e-mail: quinn.williams@wisconsin.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, May 31, 2017 12:29 PM
To: Williams, Quinn L - DNR; Dominguez, Alexander
Cc: Roskam, Kyle - GOV
Subject: Connecting you

Hey Alex!

Quinn Williams is the GC with WI DEQ and has an issue with Region 5 and Vegetation Treatment Areas (VTA's) on livestock facilities. I shared this with Sarah earlier, and she said you might be able to find a time for us three (whatever works for Sarah's calendar) to give him a call?

The best number is Ex. 6 and I have cc'd Quinn to this email.

Quinn, are you relatively flexible this week?

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

<< File: 2016 03 04_WI CAFO VTA letter.pdf >>

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/20/2017 6:49:47 PM
To: Adam Nordstrom [adam.nordstrom@cch-llc.com]; Susan.Metzger@ks.gov
Subject: RE: WOTUS Comments from Kansas Governor Sam Brownback

Looking forward to it!

From: Adam Nordstrom [mailto:adam.nordstrom@cch-llc.com]
Sent: Tuesday, June 20, 2017 1:48 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Susan.Metzger@ks.gov
Subject: RE: WOTUS Comments from Kansas Governor Sam Brownback

Tate:

Thank you for making sure that happens. It was good to chat with you today. I look forward to our conversation next week!

Thanks,
Adam

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, June 19, 2017 6:22 PM
To: Adam Nordstrom; Susan.Metzger@ks.gov
Cc: Cory, Katherine; Hoelscher, Douglas L. EOP/WHO; Kirkland, William H. EOP/WHO
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback

Hey there! Just wanted you to know that Doug (cc'd) passed Gov. Brownback's comments along and we are printing/ hand delivering to EPA's Office of Water.

Thanks!

Tate Bennett

Sr. Deputy Associate Administrator
Office of Intergovernmental Relations
U.S. Environmental Protection Agency

From: Hoelscher, Douglas L. EOP/WHO [mailto:Douglas.L.Hoelscher[Ex. 6]
Sent: Monday, June 19, 2017 4:57 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback

---

From: Adam Nordstrom [mailto:adam.nordstrom@cch-llc.com]
Sent: Monday, June 19, 2017 3:38 PM

To: Hoelscher, Douglas L. EOP/WHO <Ex. 6>
Subject: FW: WOTUS Comments from Kansas Governor Sam Brownback

We got our comments in on the WOTUS request at EPA.

Thanks for the opportunity.

Adam

Washington DC Director – State of Kansas
Direct: 202-715-2923
Cell: Ex. 6

From: Metzger, Susan [mailto:Susan.Metzger@ks.gov]
Sent: Monday, June 19, 2017 3:35 PM
To: CWAwotus@epa.gov; Hanson.Andrew@epa.gov
Cc: Cook-Shyovitz.Becky@epa.gov; Hummell, Jon [GO]; Smith, Brandon [GO]; Tom Stiles [KDHE]; Lewis, Earl; Adams, Steve [KDWPT]; Chanay, Jeff; McClaskey, Jackie; Goddard, Matt [GO]; Adam Nordstrom; Laue, Brant [GO]
Subject: WOTUS Comments from Kansas Governor Sam Brownback

Attached please find a comment letter from Governor Brownback in response to the opportunity to share Kansas' perspective on the definition of the Waters of the United States.

Susan Metzger
Assistant Secretary
Kansas Department of Agriculture
Please note my new email address as of July 2016: Susan.Metzger@ks.gov
Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 4:17:44 PM
To: mcbrideb@michigan.gov
Subject: Coffee this week?

Hi Bill!

Wanted to see if you had any interested in grabbing coffee this week? Just hoping to introduce myself in person and discuss the Governor's priorities.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/30/2017 4:16:12 PM
To: james.ross@state.nm.us
Subject: Coffee?

Hi James! Just wanted to touch base and see if there would be a good time to grab coffee and catch up this week? Happy to travel to somewhere close to you if you are in the Hall of States. -Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/31/2017 1:41:17 PM
To: Beth Tipps [Beth.Tipps@tn.gov]
Subject: TN gasoline request and Sen. Corker's interest
Attachments: Senator Corker_TDEC Non-Interference Determination Assistance.pdf

And here is the letter you all originally send us on the topic.

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

February 13, 2017

The Honorable Bob Corker
Dirksen Senate Office Building
SD-425
Washington, DC 20510

Dear Senator Corker:

The Tennessee Department of Environment and Conservation is requesting your assistance for the Office of Federal Register to move along the proposed approval of our non-interference determination (i.e., the RVP SIP we submitted to EPA for parallel processing on 9/8/2016 and as a final, effective rule on 11/21/2016).

The proposal has been signed by the Regional Administrator and sent to the Office of the Federal Register for publication but is currently on hold for review by the new administration. Based on our conversations with EPA Region 4 staff, it is uncertain how long the review will take. Once the proposal is published, there will be a minimum 30-day comment period followed by promulgation of a final approval. After final approval of our non-interference determination, EPA then has to propose and finalize revisions to the federal regulation that sets the lower RVP standard for Middle Tennessee. EPA has indicated that a revision to the federal rule could be done through "direct final" rulemaking. A direct final rule is one that is proposed and, if no comments are received during the comment period (usually 30 days), automatically becomes effective without the need for a final approval to be published in the Federal Register.

Approval will allow the state of Tennessee to sell the same type of fuel in every county except Shelby County (the Shelby County Health Department is responsible for and has initiated a similar process) during the summer months, significantly reducing the regulatory burden to the fuel industry and the cost of fuel to the consumer. In order for the refiners to get the summer fuel runs in place in a timely manner, this process needs to be reactivated immediately.

Would your office make contact with the appropriate person to get this particular deregulation released from the freeze? Anything you can do to help move this proposal along will be much appreciated.

Sincerely,

Shari L. Meghreblian, PhD

Shari L. Meghreblian, PhD
Deputy Commissioner

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/6/2017 12:36:47 PM
To: Holton, Jennifer (MDARD) [holtonj@michigan.gov]
Subject: Re: Contact help

Hey! Give me a buzz. Ex. 6

On Jun 5, 2017, at 10:42 AM, Holton, Jennifer (MDARD) <holtonj@michigan.gov> wrote:

Good morning,

My name is Jennifer Holton and I received your contact information from Michigan Department of Agriculture and Rural Development Director Jamie Clover Adams.

As the Director mentioned in her e-mail, in my role as the federal agency liaison for the Communication Officers of State Departments of Agriculture (COSDA), I'm looking for someone from EPA Communications to be on a panel (and possibly give an update on EPA) at the annual meeting in New Orleans this September and will be co-located with the National Association of the State Departments of Agriculture. The panel will be looked at agriculture issues and the environment.

At past COSDA meetings, we've had representation from USDA, FDA and CDC communications staff. Additionally, COSDA looks to better work with our federal counterparts and how we can further build those relationships.

The agenda is still being finalized, but the COSDA members would love to have EPA be a part of the event.

Thank you for your help and consideration.

Jen

Jennifer Holton, APR
Director of Communications
MI Dept. of Agriculture & Rural Development
E: holtonj@michigan.gov
M:
D: Ex. 6

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/31/2017 1:35:50 PM
To: Beth Tipps [Beth.Tipps@tn.gov]
Subject: RE: Checking in

Nice speaking with you earlier, Beth! Per our conversation, we are signing the relaxation notice and sending it to the Federal Register today. Let me know if your folks have any questions!

https://www.federalregister.gov/documents/2017/02/24/2017-03579/air-plan-approval-tn-non-interference-demonstration-for-federal-low-reid-vapor-pressure-requirement:
The U.S. Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, submitted through the Tennessee Department of Environment and Conservation (TDEC), on November 21, 2016. This SIP revision was submitted in support of the State's request that EPA change the federal Reid Vapor Pressure (RVP) requirements for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties (hereinafter referred to as the "Middle Tennessee Area" or "Area"). Tennessee's November 21, 2016, SIP submittal revises its maintenance plan for the Middle Tennessee Area for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and demonstrates that relaxing the federal RVP requirements in this Area would not interfere with the Area's ability to meet the requirements of the Clean Air Act (CAA or Act). Specifically, Tennessee's SIP revision concludes that relaxing the federal RVP requirement from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline sold between June 1 and September 15 of each year in the Area would not interfere with attainment or maintenance of the Start Printed Page 11518NAAQS or with any other CAA requirement. EPA is proposing to determine that Tennessee's November 21, 2016, SIP revision is consistent with the applicable provisions of the CAA.

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:26 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

That works.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 12:24 PM
To: Beth Tipps
Subject: RE: Checking in

Is 5 PM Eastern too late?

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:22 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Later today is great.

TN Tennessee State Government | Office of the Governor

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
Ex. 6
beth.tipps@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 12:20 PM
To: Beth Tipps
Subject: RE: Checking in

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

That would be great. Is tomorrow afternoon or later today OK?

From: Beth Tipps [mailto:Beth.Tipps@tn.gov]
Sent: Tuesday, May 30, 2017 1:17 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Checking in

Hi Tate – I'm based in Nashville, TN. Glad to connect by phone if that's helpful.

Beth Tipps| Deputy for State-Federal Relations
State Capitol, G-6
600 Charlotte Ave., Nashville, TN 37243
Ex. 6
beth.tipps@tn.gov

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 30, 2017 11:30 AM
To: Beth Tipps
Subject: Checking in

Hey Beth-

Wanted to check in and see if you had time for coffee this week? Just hoping to catch up/ discuss some of Gov. Haslam's priorities

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 7:51:47 PM
To: Libby, Lance [Lance.Libby@maine.gov]
Subject: Re: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Thanks!

On May 12, 2017, at 3:49 PM, Libby, Lance <Lance.Libby@maine.gov> wrote:

Congratulations! I look forward to working with you.

Lance Libby
Senior Policy Advisor
Office of the Governor
Ex. 6 Office
Mobile

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:32 AM
To: Bennett, Tate
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. (202) 329-3948 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

<~WRD000.jpg>

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

<~WRD000.jpg>

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/8/2018 2:03:52 PM
To: Soukup, Mary [KDA] [Mary.Soukup@ks.gov]
Subject: RE: Potential schedule for Kansas visit

I'm not sure if he did as Attorney General, but he has not in his EPA role.

From: Soukup, Mary [KDA] [mailto:Mary.Soukup@ks.gov]
Sent: Friday, June 8, 2018 10:03 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Potential schedule for Kansas visit

Has Administrator Pruitt ever toured an ethanol plant before?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, June 8, 2018 8:52 AM
To: Soukup, Mary [KDA] <Mary.Soukup@ks.gov>
Subject: RE: Potential schedule for Kansas visit

Thanks again for your help today, Mary! Do you have time to hop on the phone re some logistical questions later today?
Best. Tate **Ex. 6**

From: Soukup, Mary [KDA] [mailto:Mary.Soukup@ks.gov]
Sent: Thursday, June 7, 2018 5:42 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ryan Flickner <flicknerr@kfb.org>
Subject: RE: Potential schedule for Kansas visit

Hey there, Tate. Would the following schedule work for your boss?

8:00 – 9:00 am – Meet with Region 7 office staff
9:00 – 10:00 am – Drive to East Kansas Agri Energy
10:00 – 11:30 am – Tour and ethanol discussion
11:30 – 1:00 – Drive to Dedonder farms, near Admire, KS
1:00 – 2:30 – Tour and smoke management discussion
2:30 – 4:15 – Drive to Kansas City International Airport

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, June 7, 2018 12:28 PM
To: Soukup, Mary [KDA] <Mary.Soukup@ks.gov>
Cc: Ryan Flickner <flicknerr@kfb.org>
Subject: RE: Potential schedule for Kansas visit

Thanks! Do you mind helping me adjust the times on the schedule (since you know the distances between each, etc.)?

From: Soukup, Mary [KDA] [mailto:Mary.Soukup@ks.gov]
Sent: Thursday, June 7, 2018 12:35 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Ryan Flickner <flicknerr@kfb.org>
Subject: Re: Potential schedule for Kansas visit

Will do

Sent from my iPhone

On Jun 7, 2018, at 11:34 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Mary- sorry to be a pain, but it looks like the Admin needs to take a 5:09 flight out of Kansas City, meaning he needs to be at the airport at 4:30. Is there ANYWAY bump things up a bit?
>
> ---
>
> **From:** Soukup, Mary [KDA] [mailto:Mary.Soukup@ks.gov]
> **Sent:** Thursday, June 7, 2018 11:03 AM
> **To:** Ryan Flickner <flicknerr@kfb.org>; Bennett, Tate <Bennett.Tate@epa.gov>
> **Subject:** Fwd: Potential schedule for Kansas visit
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Soukup, Mary [KDA]" <Mary.Soukup@ks.gov>
> > **Date:** June 7, 2018 at 7:37:06 AM CDT
> > **To:** "Bennett.Tate@epa.gov" <Bennett.Tate@epa.gov>
> > **Subject: Potential schedule for Kansas visit**
> >
> > Hi there, Tate. Below is a potential schedule for Tuesday. We will get you a final address for the ranch hopefully today. Governor Colyer has a meeting in Kansas at 10 am so we would propose leaving Kansas City at 11. Would it be possible for you to do the Regional Office visit in the morning?
> >
> > Below is a proposed agenda:
> >
> > 11:00 a.m. – Depart from Kansas City
> > 12:45 p.m. – 2:00 p.m. – Tour and smoke management discussion
> > 2:00 – 3:00 p.m. – Drive to East Kansas Agri Energy, 1304 South Main Street, Garnett, Kansas 66032
> > 3:00 – 4:15 p.m. - Tour and discussion at ethanol plant
> > 4:15 – 5:20 p.m. – Return to Kansas City
> >
> > Thanks.
> >
> > Mary
> >
> > **Mary Soukup**
> > Assistant Secretary
> > Kansas Department of Agriculture
> > Ex. 6
> > www.agriculture.ks.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 6:12:38 PM
To: Cassandra L. Torstenson [ctorstenson@nd.gov]
Subject: Power point
Attachments: federalism FINAL ppt 4-19-17.pdf; ATT00001.htm

United States Environmental Protection Agency

The Definition of “Waters of the U.S.”

E.O. 13132 Federalism Consultation Meeting

April 19, 2017

Purpose & Agenda

Purpose:

- Initiate Federalism consultation to obtain state and local government officials' perspectives
- Provide an overview of potential changes under consideration for the definition of "Waters of the U.S."

Agenda:

- Federalism overview
- "Waters of the U.S." over time
- The Executive Order
- Proposed two-step process
  - Step 1
  - Step 2
- Discussion of Potential Approaches
- Next steps

E.O. 13132, Federalism

The Order requires that Federal agencies consult with elected state and local government officials, or their representative national organizations, when developing regulations that have federalism implications.

The agencies are consulting due to strong interest on the part of state and local governments on this issue over the years and potential effects associated with a change in the definition of "waters of the U.S."

"Waters of the U.S." Over Time

From the 1970s through the 1990s, the majority offederal courts, as well as the agencies, consistently interpreted a broad scope of Clean Water Act jurisdiction.

Supreme Court decisions in 2001 and 2006 held that the scope of navigable waters must be linked more directly to protecting the integrity of waters used in navigation. The justices in the 2006 *Rapanos* decision were split on how this was to be accomplished.

The agencies have been working since these Supreme Court decisions to provide clarification and predictability in the procedures used to identify waters that are – and are not – covered by the Clean Water Act.

The 2015 Clean Water Rule was an effort to provide that needed clarification and predictability. Many stakeholders, including many states, expressed concerns with the 2015 Rule.

The agencies are now embarking on another effort to provide clarity and predictability to members of the public.

The Executive Order

On February 28, 2017, the President signed the "Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

The E.O. calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and "publish for notice and comment a proposed rule rescinding or revising the rule…."

The E.O. directs that EPA and theArmy "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic

Two-Step Process

The agencies are implementing the Executive Order in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule.

1. The agencies are taking action to establish the legal status quo in the Code of Federal Regulations, by recodifying the regulation that was in place prior to issuance of the Clean Water Rule and that is being implemented now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.
2. The agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule with one that reflects the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

The agencies are aware that the scope of CWA jurisdiction is of intense interest to many stakeholders and therefore want to provide time for appropriate consultation and deliberations on the ultimate regulation.

In the meantime, the agencies will continue to implement regulatory definition in place prior to the 2015 rule, consistent with the 2003 and 2008 guidances, in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit stay of the Clean Water Rule.

Step 1: Withdraw 2015 Clean Water Rule

While the Sixth Circuit stay may remain in effect for some time, its duration is uncertain.

To provide greater certainty, the agencies will move to reinstate the preexisting regulations and guidance and to withdraw the 2015 Rule.

In the Step 1 proposed rule, the agencies will define “waters of the United States” using the regulatory definition in place before the Clean Water Rule, which the agencies will continue to implement according to longstanding practice, just as they are today.

The Step 1 proposed rule would maintain the approach in place for decadesuntil a revised rule with a new definition can be promulgated.

Step 2: Develop New Rule Consistent with the Executive Order

The E.O. directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

Justice Scalia's opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

The agencies are consulting with state and local government officials as we begin to develop the new definition.

Potential Approaches to "Relatively Permanent" Waters

Perennial plus streams with "seasonal" flow

Current practice: seasonal flow = about 3 months (varies regionally)

Perennial plus streams with another measure of flow

Use appropriate, implementable metrics, e.g., frequency of flow, intersecting water table

Perennial streams only

Streams that carry flow throughout the year except in extreme drought

Other

Thoughts?

Potential Approaches to Wetlands with a "Continuous Surface Connection"

Surface connection even through non-jurisdictional feature

Current practice considers directly abutting wetlands and those with a continuous surface connection, regardless of distance, to be jurisdictional

Some degree of connectivity

Use appropriate, implementable metrics, e.g., distance

Wetland must directly touch jurisdictional waters

Only wetlands that directly touch a jurisdictional water

Other

Thoughts?

Discussion:

The change in jurisdictional waters will vary across states and localities and with the options suggested above. Given that:

1. How would you like to see the concepts of "relatively permanent" and "continuous surface connection" defined and implemented? How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2. What opportunities and challenges exist for your state or locality with taking a Scalia approach?

3. Do you anticipate any changes to the scope of your state or local programs (e.g., regulations, statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402 and 404)? If so, what types of actions do you anticipate would be needed?

4. The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?

Next Steps

Do you have any additional information that the EPA should be aware of?

- If so, please provide.

Do you have any other approaches that you would like the agencies to consider?

Comments will be due to the EPA in approximately 8 weeks, June 19, 2017.

Please send written comments to: CWAwotus@epa.gov and copy Hanson.Andrew@epa.gov

Contacts

Project Lead:

Donna Downing

- (202) 566–2428
- CWAwotus@epa.gov

Federalism Contact:

Andrew Hanson

- (202) 564-3664
- Hanson.Andrew@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 5:57:21 PM
To: Torstenson, Cassandra L. [ctorstenson@nd.gov]
Subject: RE: Introduction North Dakota Governor's Office
Attachments: ND Burgum.pdf

Awesome. Sounds like a plan. Wanted to make sure you received this letter on WOTUS earlier this week as well. Let me know if he has any questions!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Torstenson, Cassandra L. [mailto:ctorstenson@nd.gov]
Sent: Friday, May 12, 2017 1:47 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Introduction North Dakota Governor's Office

Good Afternoon Tate,

Thank you for the introduction. I am the Senior Scientific Policy Advisor for North Dakota's Governor Doug Burgum. Please feel free to reach out if you every have any questions.

For your reference, my primary policy areas include: Energy, Agriculture, Natural Resources, Parks and Recreation, Water, Transportation and Emergency Services.

Kindly,

Cassandra

Cassandra Torstenson | Policy Advisor | Ex. 6 | ctorstenson@nd.gov
North Dakota Office of the Governor | 600 East Boulevard Avenue, Bismarck, ND 58505-0001
| https://www.governor.nd.gov/

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement
Date: May 12, 2017 at 9:31:53 AM CDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. Ex. 6 is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Ex. 6

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

May 8, 2017

The Honorable Doug Burgum
Governor of North Dakota
Department 101
600 E. Boulevard Avenue
Bismarck, North Dakota 58505-0001

Dear Governor Burgum:

We are writing to solicit your input and wisdom on a forthcoming proposal to revise the definition of waters of the United States (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)).

This action follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. The Order also directs the Environmental Protection Agency and the Department of the Army (hereinafter "the agencies") to review the existing Clean Water Rule for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with the law. Further, the Order directs the agencies to consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

Consulting with state and local government officials, or their representative national organizations, is a priority for us and President Trump. We believe this is an important step in the process prior to proposing regulations that may have implications on federalism as defined by the agencies' policy for implementing the Order. We hope to keep the states at the forefront of our mission and your input during the federalism process will enable us to do that effectively.

The agencies are implementing the Order in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule. First, the agencies are taking action to

establish the legal *status quo* in the Code of Federal Regulations, by re-codifying the regulation that was in place prior to issuance of the Clean Water Rule and that is being implemented now under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule. Second, the agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule with one that reflects the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

The federalism consultation for the new definition began with an initial meeting held April 19, 2017, with state and local government associations. In addition to discussions our respective staffs will have with associations and individual state environmental agencies, we are reaching out to you directly to ensure we receive the benefit of your particular state's experiences and expertise. The agencies are soliciting written comments from state and local governments until June 19, 2017. Enclosed is a PowerPoint presentation that provides brief background information on the process the agencies intend to follow, identifies some questions we are hoping states can help us answer, and includes instructions for providing us with your comments.

Cooperative federalism is a guiding principle for us. We want to clearly understand what definition will work best for your state as we develop a new federal definition of "waters of the United States" consistent with the Scalia opinion. In addition, we are interested in understanding how your state might respond to a reduced scope of federal jurisdiction under the Clean Water Act.

If you or your staff have further questions, please feel free to contact Donna Downing at (202) 566–2428 or CWAwotus@epa.gov, or Stacey Jensen at (202) 761-5856 or stacey.m.jensen@usace.army.mil.

Respectfully yours,

Scott Pruitt
Administrator
Environmental Protection Agency

Douglas W. Lamont, P.E.
Senior Official Performing
the Duties of the Assistant
Secretary of the Army
(Civil Works)

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/20/2017 7:52:46 PM
To: Cody Stewart [codystewart@utah.gov]
Subject: Re: Contact

Thanks! Ex. 6 is my work cell. Great meeting you!

> On May 20, 2017, at 2:50 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> Sent from my iPhone

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 5:24:06 PM
To: Galbally, Sarah [sgalbally@pa.gov]
Subject: RE: Legal Call

May I please get a name and number for that person so that Mandy can reach them (in case she misses their call)? Thank you!

From: Galbally, Sarah [mailto:sgalbally@pa.gov]
Sent: Friday, May 12, 2017 11:23 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Legal Call

Hi Tate,

Our General Counsel's office will be reaching out to Mandy. Thanks,

Sarah

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:53 AM
To: Galbally, Sarah <sgalbally@pa.gov>
Subject: Legal Call

Hi Sarah-

The Administrator has asked for our head lawyer, Mandy Gunasekara , on our legal team speak to Gov. Wolf's legal shop on a Title 5 Permit issue ASAP. Is there someone she can speak with? Her cell is Ex. 6

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 4:31:00 PM
To: Galbally, Sarah [sgalbally@pa.gov]
Subject: Re: Legal Call

Thanks. I will let her know.

On May 12, 2017, at 11:24 AM, Galbally, Sarah <sgalbally@pa.gov> wrote:

Hi Tate,

Our General Counsel's office will be reaching out to Mandy. Thanks,

Sarah

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:53 AM
To: Galbally, Sarah <sgalbally@pa.gov>
Subject: Legal Call

Hi Sarah-

The Administrator has asked for our head lawyer, Mandy Gunasekara , on our legal team speak to Gov. Wolf's legal shop on a Title 5 Permit issue ASAP. Is there someone she can speak with? Her cell is Ex. 6
Ex. 6

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/19/2017 10:45:33 PM
To: Goehring, Doug C. [goehring@nd.gov]
CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Pfaff, Jessie K. [jkpfaff@nd.gov]; Reinke, Jody L. [jodyreinke@nd.gov]
Subject: Re: Meeting at EPA

Great. Thank you!

On May 19, 2017, at 5:45 PM, Goehring, Doug C. <goehring@nd.gov> wrote:

> Tate,
>
> Thank you for following up. I have CC'd Jody and Jessie, you can reach out to both of them when trying to reach me or need something.
>
> Doug Goehring
> North Dakota Agriculture Commissioner
> Phone: Ex. 6
> Fax: Ex. 6
> goehring@nd.gov
> http://www.nd.gov/ndda
>
> On May 19, 2017, at 8:54 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
> **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.
>
> Hi there Commissioner!
>
> I relayed the instructions to call your main office (Jody) to our comms team, but I am cc'ing John Konkus with our comms team here as well.
>
> Best.
>
> Tate
>
> Elizabeth Tate Bennett
> Senior Deputy Associate Administrator
> Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** Wagner, Kenneth
> **Sent:** Friday, May 19, 2017 9:41 AM

To: goehring@nd.gov
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Meeting at EPA

Commissioner Goehring:

Thanks so much for taking the time to discuss North Dakota's issues with the Administrator and his staff. Please let me be a point of contact for you along with Tate Bennett for issues you encounter in dealing with Region 8 or the EPA HQ. As I mentioned, I travel regularly to all 10 Regions and will also meet with all 50 states, including yours.

Please let me know if I can ever be of assistance, my cell phone is listed below.

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional and State Affairs
Environmental Protection Agency
202-564-1988 office
Ex. 6 cell
wagner.kenneth@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/9/2017 2:30:18 PM
To: Larry Pearce [larry@governorscoalition.org]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Todd Sneller [todd.sneller@nebraska.gov]
Subject: RE: Governors' Thank You Letter to Administrator Pruitt (May 8, 2017)

I could do Friday late afternoon. What works best for the group?

From: Larry Pearce [mailto:larry@governorscoalition.org]
Sent: Tuesday, May 9, 2017 9:44 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Todd Sneller <todd.sneller@nebraska.gov>
Subject: Governors' Thank You Letter to Administrator Pruitt (May 8, 2017)

Tate,
Attached is the governors' thank you letter to Administrator Pruitt. Please share a copy with the Administrator. You and Troy are copied on the letter.
We should schedule a conference call with a small group of staff who will help address the governors' suggested regulatory modifications. I've attached the call's briefing memo and governors' letter to President Trump which identifies most of the measures the governors discussed during the call.
Please suggest possible times for a call with EPA staff at you convenience.
We look forward to a collaborative and productive working relationship with you and your colleagues.

Larry

Larry Pearce
Executive Director
Governors' BioFuels Coalition

larry@governorscoalition.org
Ex. 6 direct
cell

P.O. Box 94922
Lincoln, NE 68509
www.GovernorsBiofuelsCoalition.org

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/5/2018 4:18:39 PM
To: Kris.erickson@state.sd.gov
CC: Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Quick call

Hi Kris-

Can you give us a quick call when you have a second regarding an event for next week?

Ex. 6

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/9/2017 2:20:47 PM
To: rlauf@nd.gov
CC: Bowles, Jack [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=78e63acc248f41328768db82d95464c3-JBOWLES]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]
Subject: FW: EPA Empowers State Regulators, Encourages Energy Innovation

Hi Robert!

I tried your office yesterday to give you all a heads up and you were out. Just wanted to flag the below press release went out this AM. CC'd is our Communications Director who would be happy to work with you on a statement, or anything else your boss might be able to provide.

Thank you!

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 9, 2017

EPA Empowers State Regulators, Encourages Energy Innovation by Signing Proposed Rule to Approve North Dakota Carbon Sequestration Wells Application

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced that EPA has signed a proposed rulemaking to approve North Dakota's application to implement and enforce its own Class VI Underground Injection Control (UIC) program. Class VI injection wells are used for long-term storage of carbon dioxide captured from industrial and energy related sources. This action reinforces Administrator Pruitt's commitment to cooperative federalism, and will help advance carbon capture and sequestration (CCS) technologies.

"North Dakotans know better than anyone the needs of their environment, economy, and communities," **said Administrator Pruitt**. "By taking action toward authorizing North Dakota's Class VI program, we will

empower state regulators, provide needed certainty, and advance CCS technologies, all while ensuring drinking water sources remain protected."

EPA is proposing to determine that North Dakota is capable of enforcing its Class VI program in a manner consistent with the Safe Drinking Water Act (SDWA) and all applicable regulations to protect underground sources of drinking water. If EPA ultimately approves the state's program, the North Dakota Industrial Commission will have primary enforcement responsibility. EPA will continue to administer the UIC Program for wells on Indian lands per the SDWA.

Click here to view the Federal Register notice proposing program approval, which was signed today. Once the notice publishes in the Federal Register a 60-day public comment period will begin. Following the close of the comment period, EPA will review and respond to public comments in preparation for making a final decision on North Dakota's application.

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If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 4/26/2017 9:29:11 AM
To: Groen, Stephanie [stephanie.groen@iowa.gov]
CC: Hoelscher, Douglas L. EOP/WHO [redacted] Ex. 6
Subject: Re: EPA -- Iowa Anti-degradation issue

I'll give you a shout tonight. Just let me know when would be a good time?

On Apr 25, 2017, at 10:22 PM, Groen, Stephanie <stephanie.groen@iowa.gov> wrote:

> Tate, so nice to meet you. Thank you for the introduction, Doug.
>
> I am actually going to be staffing the Governor in DC all day tomorrow so a call during the day would be challenging, but I could make a call tomorrow night work if that works on your end. The best number to reach me at is [redacted] Ex. 6
>
> Thank you for keeping this issue on your radar as it is a top priority in our state.
>
> Best,
> Stephanie
>
> On Tue, Apr 25, 2017 at 8:08 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>> Hey Stephanie!
>>
>> We actually just had a meeting on this and are still working our way through the next steps. It's certainly still very much on our radar. May I give you a call tomorrow?
>>
>> Doug- Thanks for the heads up given the call on Friday. RJ brought us up to speed a couple weeks ago and we've been able to take a look now that we have more of a team in place.
>>
>> Tate
>>
>> > On Apr 25, 2017, at 7:21 PM, Hoelscher, Douglas L. EOP/WHO [redacted] Ex. 6 wrote:
>> >
>> > Hi Tate,
>> >
>> > Just got off the phone with Stephanie Groen with Gov. Branstad -- she is interested in talking with you all about the Iowa anti-degradation issue that the Governor and Lt. Governor discussed with the Administrator in late February. I believe your COS may have taken the issue for action, but wanted to connect you with Stephanie. I believe the Governor and Lt. Governor might be speaking with the Administrator via phone on Friday.
>> >
>> > Sincerely,
>> > Doug
>> >

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

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