All redactions: attorney-client and internal and deliberative process

From: Jordan, Deborah
To: lyons.ann@epa.gov; Colleen McKaughan (Mckaughan.Colleen@epa.gov); Anita Lee (Lee.Anita@epa.gov)
Subject: FW: Suggested Revision to NGS NFRM (page 163) per Janet"s comment
Date: Monday, July 21, 2014 12:02:00 PM

From: Siegal, Tod
Sent: Monday, July 21, 2014 11:52 AM
To: McKaughan, Colleen; Saltman, Tamara; Vetter, Rick; Lorang, Phil; Jordan, Deborah
Cc: Anderson, Lea; Marks, Matthew; Mckelvey, Laura; Lee, Anita; Lyons, Ann
Subject: RE: Suggested Revision to NGS NFRM (page 163) per Janet's comment

Thanks.

Tod Siegal
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5552

From: McKaughan, Colleen
Sent: Monday, July 21, 2014 2:05 PM
To: Siegal, Tod; Saltman, Tamara; Vetter, Rick; Lorang, Phil; Jordan, Deborah
Cc: Anderson, Lea; Marks, Matthew; Mckelvey, Laura; Lee, Anita; Lyons, Ann
Subject: Suggested Revision to NGS NFRM (page 163) per Janet's comment
Importance: High

Hi, All,

[redacted]

Colleen

Comment: *EPA lacks authority to regulate NGS*

Several commenters indicated that EPA overstepped its authority and stated that EPA's proposal hinders the state's ability to deal with environmental issues on a local level. One commenter claimed that EPA does not have the authority to proceed with the proposed regulations because it failed to consider indirect and direct costs of compliance, as outlined in the CAA. One commenter stated that EPA's regulations are an attack on free enterprise, and believes that the agenda of the current administration is to ban all coal-fired power plants regardless of the economic effect.

Response:

[redacted]

From: Siegal, Tod
Sent: Monday, July 21, 2014 8:17 AM
To: Saltman, Tamara; Vetter, Rick; Lorang, Phil
Cc: Anderson, Lea; Marks, Matthew; Mckelvey, Laura; McKaughan, Colleen
Subject: RE: language from the TWG agreement regarding TAS

[redacted]

Tod Siegal
Cross-Cutting Issues Law Office
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U.S. Environmental Protection Agency
(202) 564-5552

From: Saltman, Tamara
Sent: Monday, July 21, 2014 11:02 AM
To: Siegal, Tod; Vetter, Rick; Lorang, Phil
Cc: Anderson, Lea; Marks, Matthew; Mckelvey, Laura; McKaughan, Colleen
Subject: language from the TWG agreement regarding TAS

This is the language from the TGW agreement signed by the Navajo Nation and SRP re: TAS. As Tod says, it's not clear how relevant this is.

The **Parties** recognize that the **Navajo Nation** wishes to seek Treatment as a State ("TAS") under section 301(d) of the **Clean Air Act**, 42 U.S.C. § 7601(d), and the Tribal Authority Rule, 40 C.F.R. Part 49. The **Navajo Nation** intends to seek treatment as a state for **Clean Air Act** provisions applicable to **NGS**, except for the Prevention of Significant Deterioration and Nonattainment New Source Review permitting programs. **SRP** agrees to work with the **Navajo Nation** to advocate to the **EPA** that the **VCA** provides sufficient jurisdictional authority for the **Navajo Nation** to be awarded TAS status under the **Clean Air Act** with respect to **NGS**. As provided in the **VCA**, the programs for which the **Navajo Nation** seeks or accepts TAS status shall not contain requirements applicable to **NGS** that are more stringent than the corresponding federal requirements unless the **Navajo Nation** has obtained **SRP's** written consent to such more stringent requirements, and the **Navajo Nation** shall not promulgate a tribal implementation plan that contains requirements applicable to **NGS** that are more stringent than corresponding federal requirements without first obtaining **SRP's** express written consent to such requirements. The **Navajo Nation** agrees that the Navajo Nation Environmental Protection Agency shall provide **SRP** an opportunity to review and comment on the TAS application before its submittal to **EPA**.

From: Siegal, Tod
Sent: Monday, July 21, 2014 10:12 AM
To: Vetter, Rick; Lorang, Phil

Cc: Anderson, Lea; Marks, Matthew; Saltman, Tamara; Mckelvey, Laura
Subject: RE: NGS- Janet's comments and a question, that might come to one of you

[redacted]

[redacted]

[redacted]

Thanks.

Tod Siegal
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5552

From: Vetter, Rick
Sent: Monday, July 21, 2014 9:45 AM
To: Lorang, Phil; Siegal, Tod
Subject: RE: NGS- Janet's comments and a question, that might come to one of you

[redacted]

[redacted]

[redacted]

Richard H. Vetter
Attorney Advisor
Air & Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
vetter.rick@epa.gov
919-541-2127

From: Lorang, Phil
Sent: Monday, July 21, 2014 9:30 AM
To: Vetter, Rick; Siegal, Tod
Subject: RE: NGS- Janet's comments and a question, that might come to one of you

[redacted]

From: Lorang, Phil
Sent: Monday, July 21, 2014 9:19 AM
To: Saltman, Tamara; Anderson, Lea; Marks, Matthew
Cc: Mckelvey, Laura; McKaughan, Colleen
Subject: RE: NGS- Janet's comments and a question, that might come to one of you

Tamara,

[redacted]

Phil

From: Saltman, Tamara
Sent: Monday, July 21, 2014 9:16 AM
To: Lorang, Phil; Anderson, Lea; Marks, Matthew

Cc: Mckelvey, Laura
Subject: RE: NGS- Janet's comments and a question, that might come to one of you

[redacted]

From: Lorang, Phil
Sent: Monday, July 21, 2014 8:57 AM
To: Anderson, Lea; Marks, Matthew; Saltman, Tamara
Cc: Mckelvey, Laura
Subject: NGS- Janet's comments and a question, that might come to one of you

[redacted]

[redacted]

[redacted]

Phil