Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 4/20/2018 8:45:26 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Weatherill, Dominic J. [DJWEATHE@SOUTHERNCO.COM]
CC: McVicar, Ashley M [AMMcVica@southernco.com]; Hill, Donna B. [DBHILL@southernco.com]; Hendricks, Scott [ASHENDRI@southernco.com]; Wilson, Jeff [JLWILSON@southernco.com]; Godfrey, Mike (Environmental) [JGODFREY@southernco.com]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Danielle Lewis [Danielle.Lewis@erg.com]
BCC: DCRoomWest6231F/DC-CCW-OST [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user44c8c568]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Busy

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Appointment

From: Fabian Solberg/Eisenmann/US [Fabian.Solberg@[redacted]
Sent: 4/9/2018 12:43:45 PM
To: Fabian Solberg/Eisenmann/US [Fabian.Solberg@[redacted]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; margarita.luis@f[redacted]Vijay Suri/Eisenmann/US [vijay.suri@[redacted]]; yurong.li@[redacted]
CC: Larry Hudson/Eisenmann/US [Larry.Hudson@[redacted]

Subject: FW: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
Attachments: ATT00001.htm; EUEC I5.2 FO for FGD to meet ELG.pdf; c073415.ics

Start: 5/1/2018 3:00:00 PM
End: 5/1/2018 4:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Fabian Solberg/Eisenmann/US [mailto:Fabian.Solberg@[redacted]]
Sent: Monday, April 09, 2018 8:36 AM
To: Fabian Solberg/Eisenmann/US; Jordan, Ronald; margarita.luis@[redacted]Vijay Suri/Eisenmann/US; yurong.li@f[redacted]
Cc: Larry Hudson/Eisenmann/US
Subject: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
When: Tuesday, May 01, 2018 10:00 AM-11:00 AM Central.
Where:

Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview

05/01/2018 -

No Location Information

Fabian Solberg has invited you to a meeting. You have not yet responded.

Required: jordan.ronald@epa.gov, margarita.luis@[redacted] Vijay Suri/Eisenmann/US@EISENMANN, yurong.li@[redacted]

Optional: Larry Hudson/Eisenmann/US@EISENMANN

Description

(See attached file: EUEC I5.2 FO for FGD to meet ELG.pdf)

-- Do not delete or change any of the following text. --

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Meeting number: 592 254 494

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Call-in toll-free number: 1-888-8956448 (US/Canada)
Call-in number: 1-954-8926767 (US/Canada)
Show global numbers:
https://www.tcconline.com/offSite/OffSiteController.jpf?cc=7293891318
Conference Code: [redacted]

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https://help.webex.com/docs/DOC-5412

If you are a host, go here to view host information:
https://meetingvisuals.webex.com/meetingvisuals/j.php?MTID=md2c5053bdbf5afeda181787b9f13e47d

IMPORTANT NOTICE: Please note that this WebEx service allows audio and other information sent during the session to be recorded, which may be discoverable in a legal matter. By joining this session, you automatically consent to such recordings. If you do not consent to being recorded, discuss your concerns with the host or do not join the session.

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 4/2/2018 4:17:57 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Angie Lee [ALee@[redacted]
CC: Caleb Steiner [CSteiner@H[redacted] Matt Mabrey [Mmabrey@[redacted]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Sara Bossenbroek [Sara.Bossenbroek@erg.com]
BCC: DCRoomWest6231F/DC-CCW-OST [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user44c8c568]

Subject: Meeting with Hoosier Energy
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/9/2018 1:00:00 PM
End: 5/9/2018 4:30:00 PM
Show Time As: Busy

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

I Introductions
II Hoosier Energy Background
III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 7/24/2018 5:29:22 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; Huggins, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0314e81a1f4843fcbbe0910cfddd53f4-Huggins, Richard]; Ross Elliott (Elliott.Ross@epa.gov) [Elliott.Ross@epa.gov]; Miller, Jesse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9fc87484bd894b1ea7cfabcadced7c00-Miller, Jesse_9206d91ba4]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Hill, Donna B. [DBHILL@[redacted] Craig, Nathan D [Nathan.Craig@[redacted]; kellison@[redacted] Gallagher, Benjamin J. [BJGALLAG@[redacted]]; Pugh, John David [JDPUGH@[redacted]; Wilson, Jeff [JLWILSON@[redacted]]; Preece, Jeffery [jpreece@[redacted]; Ryan Novak [Ryan.Novak@erg.com]; Ladwig, Ken [Keladwig@[redacted]]; Hensel, Bruce [bhensel@[redacted]; Santoianni, Dawn [Dawn.Santoianni@[redacted]

Subject: CONFIRMED: Paste Landfills w/EPRI, Duke, Southern
Location: Conference Line

Start: 8/6/2018 2:00:00 PM
End: 8/6/2018 4:00:00 PM
Show Time As: Busy

Call In Number: 202.991.0477
Conference ID [redacted]

AGENDA:

- Introductions
- Overview of flue gas desulfurization (FGD) wastewater [EPA]
  - 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
  - Water quality-based effluent limitations
  - Technologies that generate brine, and potential means for handling
- Brine management [EPRI/Duke/Southern]
  - How is brine managed?
  - What's the difference between ash conditioning and paste?
- Paste Overview {EPRI/Duke/Southern]
  - Use of paste in other industries
  - CCR paste characteristics
- Landfills vs. Surface Impoundments [EPRI/Duke/Southern]
  - Behavior of paste in landfills
  - Interactions with state regulators
  - Potential solutions
- Action items & next steps

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/2/2017 6:51:23 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Jackson, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b4ab98640e443848af6ef0a7d891392-Jackson, Mary]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; vs002005@[redacted] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user635ec910]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]; Ryan Novak [Ryan.Novak@erg.com]
BCC: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user0d8933bf]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/16/2017 4:30:00 PM
End: 11/16/2017 5:30:00 PM
Show Time As: Busy

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

number is 1-866-299-3188
conf code is [redacted]

Best,
-Richard

Message

From: Andrews Dale [dale.andrews@[redacted]]
Sent: 1/9/2018 7:03:01 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
CC: Ryan Novak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb996a810]
Subject: Carmeuse EPA
Attachments: Pozzotec Solution to ELG-EPA.pdf

Hello,

Presentation attached.

Dale C. Andrews, PG
Technical Marketing Manager

Carmeuse Lime & Stone
11 Stanwix Street, 21st Floor
Pittsburgh, PA 15222
Phone: 412.995.1036 / Mobile: [redacted]
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WORLD OF CONCRETE 2018
EXHIBITS: JANUARY 23-26
SEMINARS: 22-26
LAS VEGAS CONVENTION CENTER

Message

From: Chen, Jimmy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50CE166307474AB680ACFE756FDEEEDC-JCHEN04]
Sent: 4/4/2018 9:07:05 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Ryan Novak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb996a810]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: Fw: Site visit information
Attachments: Additional Operational Cost of Chloramines.xlsx; Bromide Claims Process.pdf; Engineering and Construction Prices for chloramines.xlsx; Final Report_8.13.13.pdf; NC DWTPs Site Visit Notes_03_26_2018.docx; PER_Chloramines Conversion_Final.docx; Proposal from Utility Services for PAX TRS.pdf; Report-eden wtp dbp study-Final012711.pdf; Restitution and Remediation Process from Duke Energy.pdf

---

From: Dena Reid <DReid@e[redacted]
Sent: Wednesday, April 4, 2018 3:07 PM
To: Chen, Jimmy
Cc: Terry Shelton
Subject: Site visit information

Jimmy,
You will find in the attachment my revised version of the site visit. I have included the requested information in the site visit document. I hope I have included everything that was requested but if something was overlooked I apologize. Just let me know what else you may need and I will send it on. I do have about six of the report that were send to NCDEQ about the efforts being made on the part of Duke Energy and they are in a separate mailing. Hope this helps. Let me know if you have any questions.

Dena Reid
City of Eden
Water Plant Superintendent
191 Mebane Bridge Road
Eden, NC 27288
Office: 336-627-1009 ext 131
Fax: 336-623-3933
Email DReid@[redacted]

From: Chen, Jimmy [mailto:Chen.Jimmy@epa.gov]
Sent: Monday, March 26, 2018 8:47 AM
To: Dena Reid <DReid@[redacted]
Subject: Draft Meeting Notes and Data Analysis

Hi Dena:

Thank you again for taking the time to discuss bromide-related topics at your facility.

We have drafted notes summarizing the topics we discussed during our meeting on December 12, 2017. We ask that you review the notes related to your facility for accuracy and provide any corrections that may be warranted. We also ask that you provide further cost information as indicated by the enclosed questions, if available.

In addition to the draft meeting notes, we are also including a draft write-up of "Preliminary Data Analysis" with the data for your facility along with related questions.

The information you provided will help enhance EPA's understanding on 1) potential sources of additional bromide in source water, 2) impacts from elevated bromide levels in source water on treatment operations and disinfection byproduct levels in treated water. It's in the public's interest to have as much of this information available in the public record as possible. You indicated during our meeting that none of this information is confidential, however, if there are any portions of the information that you would like to keep as confidential information, please let us know. Following receipt of your feedback on the draft notes, including an indication of confidential information (if any), EPA will finalize the notes for the public record.

Please provide responses by April 9, if possible.

We also sent these materials to Mr. Kevin Yates of the Town of Madison water treatment plant for his review as well. We appreciate your interest in EPA's efforts and thank you in advance for providing any further information in context of the meeting notes and enclosed questions.

Best!

Sincerely,

Jimmy Chen, PhD & PE
Environmental Engineer
Engineering and Analysis Division
Office of Water - Office of Science & Technology
US Environmental Protection Agency
202-564-5258

Message

From: Weatherill, Dominic J. [DJWEATHE@[redacted]
Sent: 5/31/2018 6:35:44 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
CC: Hill, Donna B. [DBHILL@[redacted]
Subject: RE: ELG meeting
Attachments: 2018-06-06 Southern Company ELG Agenda.pdf

Richard,

We look forward to our meeting next week and have attached an agenda for the discussion.

We have folks coming in from multiple locations and anticipate being with you no later than 12:00.

Please call if you have any questions.

Best regards,

~ Dominic

From: Benware, Richard [mailto:Benware.Richard@epa.gov]
Sent: Monday, May 14, 2018 4:15 PM
To: Weatherill, Dominic J. <DJWEATHE@[redacted]
Cc: Hill, Donna B. <DBHILL@[redacted]
Subject: RE: ELG meeting

Dominic,

Based on our phone conversation I am setting the meeting to start at 10:30 and if you guys can't get in until 11 then people here will just have some bonus time to work on other things. So don't check your watches worrying about getting here right away. We will also get lunch so that we can work through if that's ok.

Best,
-Richard

From: Weatherill, Dominic J. [mailto:DJWEATHE@[redacted]
Sent: Monday, May 14, 2018 1:42 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: Hill, Donna B. <DBHILL@[redacted]
Subject: ELG meeting

Richard,

Thank you for the discussion earlier. I have spoken to the other team members and would like to confirm our meeting in the afternoon. We have folks flying in and out the same day, and as such we would like to meet between 12:00-3:00 EST.

I will be sending you a proposed agenda in the next few weeks.

I look forward to the meeting.

~ Dominic

Dominic J. Weatherill
ENVIRONMENTAL AFFAIRS
Office: 404-506-3348 | Cell: [redacted]
Georgia Power

Message

From: Angie Lee [ALee@[redacted]
Sent: 5/7/2018 3:18:04 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
CC: Caleb Steiner [CSteiner@[redacted]; Matt Mabrey [Mmabrey@[redacted]
Subject: RE: Agenda and ELG Schedule
Attachments: Hoosier Energy-EPA ELG Meeting Agenda 5-9-18.dotx.docx

Hi Richard,

Please see the attached agenda for our Wednesday meeting.

Thanks!

Angie Lee
Manager, Environmental Services
Hoosier Energy REC, Inc.
2501 South Cooperative Way
P.O. Box 908
Bloomington, IN 47402-0908
alee@[redacted]
812-935-4715
[redacted]cell
812-935-4728 fax

From: Benware, Richard <Benware.Richard@epa.gov>
Sent: Thursday, May 3, 2018 8:34 AM
To: Angie Lee <ALee@[redacted]
Subject: Agenda and ELG Schedule

Angie,

Two things. First, I was wondering if you guys had a chance to come up with agenda items for our meeting next week. If not, please try to get me at least a broad idea of what you'd like to talk about by Monday if you can. And although we have the whole day blocked off, we can set a specific meeting time based on your flights and how many issues you'd like to discuss. Many companies have found a half-day meeting sufficient.

Second, I wanted to let you know that yesterday's Federal Register includes a notice of the Final 2016 Effluent Guidelines Plan. You may view the notice at: https://www.federalregister.gov/documents/2018/05/02/2018-09320/final-2016-effluent-guidelines-program-plan. Among other things, the Plan identifies the new rulemaking (and the associated schedule) for the Steam Electric Power Generating Point Source Category and indicates we anticipate a proposed rule in December, 2018 and a final rule in December, 2019. Hope you find that helpful!

Best,
-Richard

Message

From: ndernik@n[redacted] [ndernik@n[redacted]]
Sent: 5/29/2018 7:48:02 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
CC: BCValenkamph@N[redacted] gbaacke@[redacted] jloewe@[redacted]
Subject: Re: NIPSCO Meeting with EPA
Attachments: NIPSCO ELG Data Submission to EPA Agenda 5-31-18.docx

Richard,

I have attached a proposed agenda for our upcoming meeting. Please let me know if you have any questions. Also, if your team has any specific questions about our 308 response and can get them to us ahead of the meeting, we would try to prepare complete answers for the meeting.

See you Thursday.

Thanks.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
([redacted])

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted]" <ndernik@[redacted]>,
Cc: "BCValenkamph@N[redacted]n" <BCValenkamph@N[redacted]>, "gbaacke@[redacted] <gbaacke@[redacted]>, "jloewe@n[redacted]" <jloewe@[redacted]
Date: 05/21/2018 10:08 AM
Subject: Re: NIPSCO Meeting with EPA

Nick,

Thanks for clarifying. The 1:30 pm start time will work fine. Right now we are preparing for some meetings we have this week, but I will try to get you any specific questions from our team early next week.

Best,
-Richard

From: ndernik@[redacted] <ndernik@[redacted]>
Sent: Friday, May 18, 2018 10:26:44 AM
To: Benware, Richard
Cc: BCValenkamph@[redacted] gbaacke@[redacted] jloewe@[redacted]
Subject: RE: NIPSCO Meeting with EPA

Richard,

We are a pretty lean organization and I think that we have the right people in the meeting to discuss the 308 response. Also, if you, or anyone, have specific questions you would like us to address, and you could get them to us in advance, we would certainly be able to respond. We'll be arranging our travel and plan on starting at 1:30 PM. We'll schedule plenty of time past 2 hours, and we'll get you a proposed agenda next week.

Have a great weekend.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted] <ndernik@[redacted]
Cc: "BCValenkamph[redacted]h" <BCValenkamph@[redacted], "jloewe@[redacted]" <jloewe@[redacted], "gbaacke@[redacted] <gbaacke@[redacted]
Date: 05/16/2018 11:49 AM
Subject: RE: NIPSCO Meeting with EPA

Nick,

I think I generally agree on the timing. We will also have at least a couple of questions on your 308 response that we will want to work in there so I would prefer to block off 2.5 or 3 hours for the meeting just in case. But we can do that by adding some time to window that you identified.

Also, for clarification, will the four of you be able to speak to any detailed questions about the 308 response if we have any? The other companies all brought at least one staff level engineer for responding to the more intricate stuff. It may be that I am just misinterpreting the titles of the individuals coming, but they seem to be pretty high up. One of the companies just had their staff engineer call in for a portion of the meeting to answer a few specific questions if that is something you would find helpful.

Best,
-Richard

From: ndernik@[redacted]
Sent: Wednesday, May 16, 2018 10:22 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: BCValenkamph@[redacted] jloewe@[redacted] gbaacke@[redacted]
Subject: RE: NIPSCO Meeting with EPA

Richard,
We are trying to finalize the agenda we would like to propose for the meeting. You are right, NIPSCO is installing bottom ash systems at its facilities and NIPSCO only has one facility with a wet FGD and we think that 2 hours should be sufficient.
We hope to finalize the meeting time in order to try to make travel plans and then follow up with a proposed agenda next week.

For the meeting, we will plan on 4 attendees from NIPSCO:
Nick Dernik (Director, Environmental Permitting),

Bert Valenkamph (Director, Station Chemistry and Environmental Compliance),
Greg Baacke (Manager, Major Projects), and
Jeff Loewe (Principal, Environmental Safety & Sustainability).

If possible, we would like to schedule a 2 hour meeting from 1:30 PM - 3:30 PM Eastern Time on 5/31.

Do you think that will work?
We'd like to finalize our travel arrangements soon.

Thanks.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted]
Cc: "BCValenkamph@[redacted] <BCValenkamph@[redacted]>, "jloewe@[redacted] <jloewe@[redacted], "gbaacke@[redacted]
<gbaacke@[redacted]
Date: 04/24/2018 09:57 AM
Subject: RE: NIPSCO Meeting with EPA

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Nick,

Thanks for getting back to me. I know we have a few people out of town on the 22nd, so it would probably be the 30th or 31st. I think we should be able to make one of those work. I'll try to lock down one of the dates in May and send a scheduler to you guys later this week.

As far as the length of the meeting, it depends on the agenda. If I remember correctly, NIPSCO only has one plant that would be impacted for its FGD wastewaters and all of your plants are already installing alternative bottom ash systems. Thus, your agenda may be pretty focused so I don't see why we couldn't get by with a half day meeting. That being said, if you have a lot you wanted to talk about we can also go longer. Please think about agenda topics for our discussion and once we have a draft agenda we can set the length of the meeting.

Best,
-Richard

From: ndernik@[redacted]
Sent: Tuesday, April 24, 2018 9:54 AM
To: Benware, Richard <Benware.Richard@epa.gov>; BCValenkamph@[redacted]; jloewe@[redacted]gbaacke@[redacted]
Subject: NIPSCO Meeting with EPA

Richard,

We have been trying to find a time where the NIPSCO (NiSource) team could come to D.C. and meet to discuss the ELG Rule and some of our data. We have had a hard time getting the NIPSCO (NiSource) leaders we believe would add value to the conversation scheduled in early May.

The days that work in current schedules are meetings in the early afternoon on (5/22, 5/30, or 5/31).

Will any of those dates work?
How long of a meeting do you anticipate?

Best regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

Message

From: Cannon, Jesse [jesse.cannon@s[redacted]
Sent: 10/16/2018 9:02:24 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
CC: Watson, Marty [marty.watson@s[redacted]; Hood, Jane [jane.hood@s[redacted]
Subject: Meeting Follow Up
Attachments: ATT00001.txt; MerSorb Version 7 2017-11.pdf; Iron Oxide SDS.PDF; S-Sorb III Version 8 2018-01.pdf; Winyah FGD cost evaluation EPA Final Rev 2.xlsx; WorleyParsons Tech Memo Selenium Rev 2.pdf; 1. Copy of THM Results (Each Site).xls; 2. Copy of THM Results (Each Site Updated from SCDHEC WW).xls; 3. THM-HAA Chart In House Study.xlsx

Richard,

I'm emailing to follow up on some action items from our June meeting concerning Santee Cooper's efforts to comply with the existing ELG rule, our need for relief, and the EPA's efforts to revise the rule. Those action items centered around our cost evaluation, which was being corrected at the time of our meeting, use of refined coal at our generating stations, and disinfection byproduct sampling at our drinking water facilities.

Since we spoke, we've received an updated cost evaluation from our contractor, WorleyParsons, which revises the cost to remove each pound of selenium to approximately $11,700 - $14,200. We're providing the original Excel spreadsheet as we did with our original submittal, along with a technical memo describing the calculation.

Santee Cooper uses refined coal at both Cross and Winyah Generating Stations. At Cross, an iron-based chemical called Mitagent is applied to coal at a rate of approximately 0.1%, along with a product called S-Sorb at a rate of approximately 0.15%. At Winyah, the bromide-based chemical MerSorb is applied at a rate of approximately 0.004%, and S-Sorb is applied at a rate of approximately 0.2%. No drinking water systems are below the Winyah facility, which discharges to brackish water. SDSs for both products are attached. These products are components of our current MATS compliance strategy as part of a suite of technologies providing the most economical solution.

We're also providing the disinfection byproduct information we have for our Lake Marion (upstream of Cross) and Lake Moultrie (downstream of Cross) Regional Water Systems. A brief description of each follows.

- *1. Copy of THM Results (Each Site).xls* – This is an older file the facilities once used to track DHEC's disinfection byproduct sampling throughout their systems. You'll also find an updated version with data from the SCDHEC database (*2. Copy of THM Results (Each Site Updated from SCHDEC WW).xls*). This document includes updated data where available (quarterly, sampled at multiple sites throughout the system), along with data since DHEC started collecting annual samples at the two facilities proper (2014 for Lake Marion, 2013 for Lake Moultrie). Each of these files contains data on individual trihalomethane constituent concentrations; similar information on haloacetic acids is available through the DHEC site, but since it had not been historically tracked in our system we did not add that information to the updated file.
- 3. *THM-HAA Chart In House Study.xlsx* – This documents a more-recent in-house study at each of the two stations (2015 – present). Data are for total trihalomethanes and total haloacetic acids only.

DHEC was unable to freely provide Santee Cooper with disinfection byproduct data for each agency's members/purchasers. The Lake Moultrie facility started commercial operation in 1994 and is now capable of treating 42 MGD. It is a traditional physical-chemical drinking water treatment plant and it serves the City of Goose Creek, Berkeley County Water and Sanitation, the Moncks Corner Public Works Commission, and the Summerville Commissioners of Public Works. Since February 2017, disinfection has been accomplished using a combination of liquid ammonium sulfate and sodium hypochlorite. Previously anhydrous ammonia and chlorine gas were used for this purpose, and from 1994-1996 chlorine alone was used. The Lake Marion facility started commercial operation in 2008 and is capable of treating 8 MGD using a membrane-based ultrafiltration process. Since February 2018 it has disinfected using a combination of

liquid ammonium sulfate and sodium hypochlorite; previously it used aqueous ammonia and sodium hypochlorite. It serves Orangeburg, Calhoun, and Dorchester Counties, Berkeley County Water and Sanitation, and the town of Santee.

Please let me know if you have any additional questions or concerns.

Sincerely,

Jesse

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o) 843-761-8000, e[redacted] · (e) jesse.cannon@[redacted]

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This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone or reply to this e-mail, and delete all copies of this message.

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/10/2018 11:52:02 PM
To: ndernik@[redacted]
CC: jloewe@[redacted]
Subject: RE: NIPSCO Follow-up from ELG Data Submission Meeting

Nick.

Thank you for this information. I apologize that we couldn't talk through this last week beyond our quick phone call, but I did find this helpful, and it is consistent with other materials I have read. Things are sure to get very crazy over here soon, but I think we should find time to touch base again if you do get additional examples from the other utility.

Best,
-Richard

From: ndernik@[redacted]
Sent: Friday, June 08, 2018 3:22 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: jloewe@[redacted]
Subject: NIPSCO Follow-up from ELG Data Submission Meeting

Richard,

Thanks again for taking some time to meet with us. Below are the suggestions that NIPSCO believes could be a very aggressive, but potentially achievable timeline for retirement/repowering as a means to achieve compliance with the ELG rule, a preferred timeline for the same, and a proposal for operations flexibility with regard to a bottom ash transport water (BATW) systems for units that have installed Dry FGDs.

Retirement/Repowering Timelines

The timeline for the retirement decision process for the two units at Bailly is very simple. It took approximately one year to prepare our Integrated Resource Plan (IRP). Of course, we run that IRP analysis, at a minimum, every three years. Our latest analysis considering a combination of factors, including age and condition of the facility, planned capital maintenance needs, anticipated customer demand, and many others led us to the decision to retire the two units.

After the IRP was finalized and described our plan to retire the two units at Bailly, we filed our attachment-Y filing with our ISO (MISO). That filing is necessary to retire any NIPSCO units in Indiana. The process of filing an attachment-Y (with MISO) can be completed as quickly as within one year.

NIPSCO's challenge regarding the compliance timeline in the ELG rule for retirement/repowering is really related to building of replacement generation, which we think will take five to five and a half years to complete.

NIPSCO believes that the most aggressive, possibly achievable, schedule for retirement/repowering is:

1. (By January 2020) – The rule is finalized by January 2020.

2. (By January 2022) – Two years to complete IRP analysis and allow anticipated litigation of the final rule to conclude.

a. Although an IRP analysis could be completed sooner. The PUC in Indiana (IURC) has demonstrated that it will not authorize proposed capital expenditures until litigation of environmental rules has concluded.

3. (By July 2027) – Five and a half years to permit and build replacement generation.

a. NIPSCO has reached out to another regional utility in an attempt to get an example timeline for a recently built CCGT (one replacement option NIPSCO would consider).

b. A more realistic schedule including some time for litigation as well as negotiations with our stakeholders including our regulatory commission would likely be sometime in 2028 for a retirement/repowering provision in the rule.

NIPSCO further believes that a more reasonable timeline for compliance with the ELG rule would be:

1. (2020 – 2025) Compliance by the BAT identified in the rule

a. FGD wastewater – Chemical Precipitation and Bio Treatment

2. (2026) Voluntary Incentive Program

a. FGD wastewater – Zero Liquid Discharge

3. (2028) Retirement/Repowering

a. Commit to Retirement/Repowering by 2025

Bottom Ash Transport Water Flexibility

The Best Available Technology (BAT) for BATW was identified as zero discharge in the 2015 version of the ELG rule. This rule however recognized the need for discharge from the BATW system and provided a clause the allowed facilities to purge the BATW system through the FGD wastewater system.

The BAT for FGD wastewater has been identified as a combination of chemical precipitation and biological treatment systems. Facilities that eliminate the FGD wastewater waste stream altogether by installing a Dry FGD system far exceeded the identified BAT for treating FGD wastewater. In doing so, these facilities with Dry FGDs have eliminated a necessary means of removing BATW from the system. It would not be appropriate to expect those facilities to introduce a waste stream, BATW, into a Dry FGD that was not designed to manage that type of waste stream.

Therefore, in order to provide flexibility to facilities that have exceeded the BAT expectation identified in the ELG rule for FGD wastewater, with regard to BATW NIPSCO offers the following for consideration.

Facilities with Dry FGDs will be permitted to discharge no more than one BATW system volume, no more than one time per calendar year, to meet low volume waste limits at the facilities final outfall.

Please let me know if you have any further questions regarding any of the above suggestions.

Nick Dernik – Director, Environmental Permitting – NiSource
[redacted]

Thanks again for the opportunity to contribute.

Best Regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted] <ndernik@[redacted]
Date: 06/05/2018 10:21 AM
Subject: RE: Thank You

Nick,

I'll see what other folks' availability is, but I think a lot of people are off Friday, and tomorrow we have a long meeting with Southern Company, so it will be tight. I'll be in touch once I have more of an idea for you.

Best,
-Richard

From: ndernik@nisource.com [mailto:ndernik@[redacted]
Sent: Tuesday, June 05, 2018 11:10 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Re: Thank You

Richard,

Thank you for giving us the opportunity to come in! We enjoyed the conversation as well. It was very refreshing to have such an open dialog.

I've set a few meetings to follow up on some of the action items from our meeting. I'm meeting with a team to discuss ideas about helpful operational flexibility for our station that has a dry FGD this afternoon. I've also set up a meeting with the team that can best answer your question regarding the timeline for retiring our two units at Bailly Station tomorrow morning. I plan to get something back to you by Thursday morning regarding both issues.

Also, thank you for your vendor list related to the bio systems. I've passed them along to engineers for further investigation.

Would you be available for a call sometime later this week to discuss both the dry FGD unit flexibility and the retirement timeline? I could invite some of our experts on these subjects to answer any questions that may arise from our follow up responses. We could be available anytime Thursday afternoon or Friday.

Best regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@nisource.com" <ndernik@nisource.com>,
Date: 06/01/2018 12:56 PM
Subject: Thank You

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Nick,

Thank you for meeting with us yesterday. It was clear that you have a great team to work with, and I thought it was a very helpful discussion. I'm certainly glad we blocked off that extra time!

One thing popped into my head this morning as particularly useful, and that would be the timeline for your closure of the Bailly generating station. If you guys could provide the formal documentation (even if they were just excerpts or in a CBI format) for when you made your decision to close Bailly, how long it took to go through your PUC, and the resulting period leading up to its closure today, I think that would go a long way in justifying your timeline in our preamble for a refuel/retire date.

Take care, and I look forward to further communication.

Best,
-Richard

==========
Richard J. Benware, U.S. EPA-Office of Water
Steam Electric ELG Team Leader
William Jefferson Clinton-West, 6231-P
Phone: 202-566-1369; Fax: 202-566-1053
Email: benware.richard@epa.gov
1200 Pennsylvania Ave, NW; Mail Code 4303T
Washington, DC 20460
==========

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 5/7/2018 3:39:11 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Angie Lee [ALee@[redacted]
CC: Caleb Steiner [CSteiner@[redacted]; Matt Mabrey [Mmabrey@[redacted]]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Sara Bossenbroek [Sara.Bossenbroek@erg.com]
BCC: DCRoomWest6231F/DC-CCW-OST [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user44c8c568]

Subject: Meeting with Hoosier Energy
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/9/2018 1:00:00 PM
End: 5/9/2018 4:30:00 PM
Show Time As: Tentative

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

I Introductions
II Hoosier Energy Background
III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/1/2018 7:44:31 PM
To: Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Weatherill, Dominic J. [DJWEATHE@[redacted]
CC: McVicar, Ashley M [AMMcVica@[redacted]; Hill, Donna B. [DBHILL@[redacted] Hendricks, Scott [ASHENDRI@[redacted]; Wilson, Jeff [JLWILSON@southernco.com]; Godfrey, Mike (Environmental) [JGODFREY@southernco.com]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]
BCC: DCRoomWest6231F/DC-CCW-OST [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user44c8c568]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Tentative

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 5/30/2018 12:26:07 PM
To: Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; ndernik@[redacted] BCValenkamph@[redacted] jloewe@[redacted]gbaacke@[redacted]
CC: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Karishma Kibria [karishma.kibria@pgenv.com]

Subject: Meeting with NIPSCO/NiSource
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/31/2018 5:30:00 PM
End: 5/31/2018 7:30:00 PM
Show Time As: Tentative

NIPSCO / NiSource
ELG Data Request Follow-Up Meeting
Agenda
5/31/2018
1:30 PM Eastern

1) Introductions (15 min)

2) NIPSCO Submission (30 min)
a) Conditions
b) Results
c) NIPSCO's Interpretation
d) Questions

3) Concerns with Best Available Technology from the 2015 ELG Rule (45 min)
a) FGD Wastewater: Concerns with Bio-treatment
i) Intermittent or variable waste streams
ii) Long recovery from failure of system
iii) Cold weather climates
iv) Site specific cost analysis
v) Questions
b) Bottom Ash Transport Water: Concerns with prohibition of discharge

i) Only blowdown through FGD system
ii) Concerns during outage cleaning
iii) Concerns about system chemistry cycle up
iv) Reasonable, intermittent, controlled discharge could be managed
v) Questions

4) Compliance Timing (15 min)
a) Reasonable initial compliance date based on new requirements
b) Alternative Compliance Schedule
c) Questions

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 7/11/2018 3:52:51 PM
To: Kung, Megan [Megan.Kung@icf.com]
CC: Morin, Isabelle [Isabelle.Morin@icf.com]
Subject: RE: Steam ELG w/Contractors

Megan,

Can you send me your Microsoft 365 ID so that I can give you sharepoint access? Last time Isabelle had to give me numerical IDs rather than standard email addresses.

Also, if there is anyone who needs access please just let me know.

Thanks,
-Richard

From: Kung, Megan [mailto:Megan.Kung@icf.com]
Sent: Wednesday, July 11, 2018 10:12 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Steam ELG w/Contractors

Thanks :)

From: Benware, Richard <Benware.Richard@epa.gov>
Sent: Wednesday, July 11, 2018 10:11 AM
To: Kung, Megan <Megan.Kung@icf.com>
Subject: RE: Steam ELG w/Contractors

I'll add you after the meeting. Here's the agenda…

- **07/11/2018 Team Meeting**

[redacted]

[redacted]

From: Kung, Megan [mailto:Megan.Kung@icf.com]
Sent: Wednesday, July 11, 2018 9:29 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Steam ELG w/Contractors

Hi Richard,

I'm unable to access the Sharepoint site.

-Megan

From: Benware, Richard <Benware.Richard@epa.gov>
Sent: Tuesday, July 10, 2018 5:12 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Covington, James <Covington.James@epa.gov>; Cuff, Jalyse <cuff.jalyse@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Chen, Jimmy <Chen.Jimmy@epa.gov>; Morin, Isabelle <Isabelle.Morin@icf.com>; Besedin, Elena <Elena.Besedin@icf.com>; Deborah Bartram <deborah.bartram@erg.com>; Elizabeth Gentile <elizabeth.gentile@erg.com>; Balukas, Jessica <Jessica.Balukas@icf.com>
Cc: Patrick Goodwin <Patrick.Goodwin@erg.com>; Jill Lucy <jill.lucy@erg.com>; Kung, Megan <Megan.Kung@icf.com>; Danielle Lewis <Danielle.lewis@erg.com>
Subject: RE: Steam ELG w/Contractors

Hi All,

Please find the agenda and call-in information at
[redacted]

Best,
-Richard

-----Original Appointment-----
From: Benware, Richard
Sent: Friday, March 16, 2018 10:08 AM
To: Benware, Richard; Jordan, Ronald; Allen, Ashley; Covington, James; Cuff, Jalyse; Goldberg, Michael; Chen, Jimmy; Morin, Isabelle; Besedin, Elena; Deborah Bartram; Elizabeth Gentile; Balukas, Jessica
Cc: Patrick Goodwin; Jill Lucy; Kung, Megan; Danielle Lewis
Subject: Steam ELG w/Contractors
When: Wednesday, July 11, 2018 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest6231F/DC-CCW-OST

Please send agenda topics by COB Monday the 9th. Once I have them I'll post an agenda and call-in information to the sharepoint.

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 8/3/2018 1:12:10 PM
To: Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; Huggins, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0314e81a1f4843fcbbe0910cfddd53f4-Huggins, Richard]; Ross Elliott (Elliott.Ross@epa.gov) [Elliott.Ross@epa.gov]; Miller, Jesse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9fc87484bd894b1ea7cfabcadced7c00-Miller, Jesse_9206d91ba4]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Hill, Donna B. [DBHILL@[redacted]]; Craig, Nathan D [Nathan.Craig@[redacted]]; kellison@[redacted] Gallagher, Benjamin J. [BJGALLAG@[redacted]]; Pugh, John David [JDPUGH@[redacted]]; Wilson, Jeff [JLWILSON@[redacted]]; Preece, Jeffery [jpreece@[redacted]]; Ryan Novak [Ryan.Novak@erg.com]; Ladwig, Ken [Keladwig@[redacted]]; Hensel, Bruce [bhensel@[redacted]]

Subject: CONFIRMED: Paste Landfills w/EPRI, Duke, Southern
Location: Conference Line

Start: 8/6/2018 2:00:00 PM
End: 8/6/2018 4:00:00 PM
Show Time As: Tentative

Call In Number: 202.991.0477
Conference ID: [redacted]

AGENDA:

- Introductions
- Overview of flue gas desulfurization (FGD) wastewater [EPA]
  - 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
  - Water quality-based effluent limitations
  - Technologies that generate brine, and potential means for handling
- Brine management [EPRI/Duke/Southern]
  - How is brine managed?
  - What's the difference between ash conditioning and paste?
- Paste Overview {EPRI/Duke/Southern]
  - Use of paste in other industries
  - CCR paste characteristics
- Landfills vs. Surface Impoundments [EPRI/Duke/Southern]
  - Behavior of paste in landfills
  - Interactions with state regulators
  - Potential solutions
- Action items & next steps

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 8/3/2018 1:02:41 PM
To: Hill, Donna B. [DBHILL@[redacted]
Subject: RE: Draft Agenda for paste landfilling call with EPA

Perfect. I'll send out the agenda and call-in number momentarily. Thanks Donna.

-----Original Message-----
From: Hill, Donna B. [mailto:DBHILL@[redacted]
Sent: Thursday, August 02, 2018 10:43 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Fwd: Draft Agenda for paste landfilling call with EPA

Here is our suggested revisions to the agenda.

Thank you,
Donna

Paste Landfill Agenda:
· Introductions
· Overview of flue gas desulfurization wastewater (EPA)
o 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
o Water Quality-Based Effluent Limitations
o Technologies that generate brine, and potential means for handling
· Brine management (EPRI/Duke/Southern)
o How is brine managed?
o What's the difference between ash conditioning and paste?
· Paste overview (EPRI/Duke/Southern)
o Use of paste in other industries
o CCR paste characteristics
· Landfills vs. Surface Impoundments (EPRI/Duke/Southern)
o Behavior of paste in landfill
o Interactions with state regulators
o Desired outcome(s) for CCR rule, what might EPA do?
· Action items & next steps

From: "Benware, Richard" <Benware.Richard@epa.gov<mailto:Benware.Richard@epa.gov>>
Date: August 1, 2018 at 2:24:01 PM MDT
To: "Hill, Donna B." <DBHILL@[redacted]to:DBHILL@[redacted]
Subject: Draft Agenda
Donna,

Take a look at this agenda and let me know if it looks ok for Monday. I also sent it to the waste folks here to have them look at it. I'd like to send a final agenda out Friday if possible.

Thanks,
-Richard

Paste Landfill Agenda:

* Introductions
* Overview of flue gas desulfurization wastewater (EPA)
  * 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
  * Water Quality-Based Effluent Limitations
  * Technologies that generate brine, and potential means for handling
* Solidification overview (EPRI/Duke/Southern)
  * Ingredients
  * Tests performed
* Paste vs. Solids (EPRI/Duke/Southern)
  * What's the difference?

    * How each would be handled
    * Potential benefits of each

* Free Liquids, Landfills vs. Surface Impoundments (EPRI/Duke/Southern)

    * Short-term free liquids vs. long-term monolith
    * Interactions with state regulators
    * Desired outcome(s) for CCR rule, what might EPA do?

* Other potential issues for paste (e.g., flexibilities in landfill requirements, minefilling, etc.?)
* Action items & next steps

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 3/6/2018 12:56:13 PM
To: Cannon, Jesse [jesse.cannon@[redacted]
Subject: RE: Addendum, Santee Cooper Response

Thank you.

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]
Sent: Monday, March 05, 2018 5:19 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: FW: Addendum, Santee Cooper Response

Mr. Benware,
Here's the addendum I discussed in my previous email.
Many thanks,
Jesse

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o[redacted] (e) jesse.cannon@s[redacted]

santee cooper

From: Cannon, Jesse
Sent: Thursday, March 01, 2018 4:20 PM
To: 'Jordan, Ronald'
Cc: Hood, Jane; Williams, Pamela
Subject: Addendum, Santee Cooper Response

Dear Mr. Jordan,

We received the attached information from WorleyParsons after our response was submitted, so we're providing it here as an addendum. These cost estimates are responsive to Item D (bids and cost estimates from engineering firms) from your information request letter. A brief description follows.

- Winyah Attachments 1 & 2 - WorleyParsons estimated installation costs of a "complete package" supporting the FGD wastewater treatment systems that included foundations, piping, etc., but not electrical. Attachment 1 is the overall cost summary and includes markups such as material takeoff allowances, contractor markup on material costs, and overall contingency. This is the source of the $45 million total installed cost estimate provided in UWAG's April 13, 2017 letter to EPA, in which UWAG provided supplemental information in support of its petition to reconsider and administratively stay the ELG rule. Please see Section IV of the attachment to the UWAG letter. Attachment 2 includes detail to represent the bare construction costs, including direct material costs and labor costs (direct and indirect). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cost and are only included in the cost summary file.
- Winyah Attachments 3 & 4 – WorleyParsons prepared a cost estimate for FGD wastewater treatment design and procurement by mechanical equipment packages – this estimate does not include construction costs to install. WorleyParsons included a 10% contingency on the summary (Attachment 3) that is not included in the

details (Attachment 4). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cos and are only included in the cost summary file.

- Cross Attachments 1 & 2 - WorleyParsons did not prepare a "complete package" installation estimate for Cross, only design and procurement by mechanical equipment packages. These estimates are similar to WGS attachments 3 & 4 and do not include construction costs to install, but since the design and procurement costs are similar to Winyah, the same total installed cost estimate ($45 million) was assumed.

None of these estimates include extra site work and equipment and facility relocations associated with brownfield work, escalation (note the estimates are from 2016), sales taxes (8% of material costs), Santee Cooper's internal costs to manage these projects, or costs for an outside engineering firm to engineer and manage construction.

Please let me know if you have any questions or concerns.

Sincerely,

Jesse Cannon

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o)[redacted] · (e) jesse.cannon@s[redacted]

santee cooper

Confidentiality Notice:
This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone or reply to this e-mail, and delete all copies of this message.

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 9/14/2018 7:39:26 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: FW: Closed-Loop Bottom Ash Transport Water Report
Attachments: 3002013706.pdf

Liz,

Since Ron is off today I wanted to share this with you. It's non-CBI so please feel free to pass it around the team working on bottom ash purge issues. Have a great weekend.

Best,
-Richard

From: Hill, Donna B. [mailto:DBHILL@s[redacted]
Sent: Friday, September 14, 2018 3:23 PM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Closed-Loop Bottom Ash Transport Water Report

Attached is the EPRI report for your convenience.

Donna

From: Hill, Donna B.
Sent: Friday, September 14, 2018 2:21 PM
To: matuszko.jan@epa.gov
Cc: Jordan, Ronald (Jordan.Ronald@epa.gov) <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: Closed-Loop Bottom Ash Transport Water Report

Jan,
EPRI recently published a report regarding closed-loop bottom ash transport water systems which is publicly available on their website. The abstract of the report and a link to EPRI's website where the report can be downloaded is provided below. This report may be informative as you reconsider the bottom ash transport water limits in the ELG Rule.

Sincerely,
Donna

Closed-Loop Bottom Ash Transport Water: Costs and Benefits to Managing Purges
Product ID: 3002013706
https://www.epri.com/#/pages/product/3002013706/

Abstract
This study evaluates the challenges of existing bottom ash transport water systems in meeting the no-discharge limit of the U.S. Environmental Protection Agency's 2015 Effluent Limitations Guidelines (ELGs).

Each of the systems evaluated in this report used remote bottom ash settling devices. Most sites recycle most of the water, but each required some water to be purged from the system and therefore the systems are not fully closed-loop (i.e., no-discharge) systems. The challenges include water imbalance (more water entering than can be contained in the loop); maintenance activities requiring draining parts of the loop; leaks; and water quality issues, which include acidity and corrosiveness, scaling, and presence of solids that abrade piping and equipment.

The study included an evaluation of 21 plants that had operational experiences ranging from over 20 years of operation of a partially closed-loop system, to operating less than one year, to systems under construction. The evaluation demonstrated that plants will find it problematic and/or costly to meet a no-discharge requirement for bottom ash transport water. Operational flexibility would be achieved if the ELGs allowed for a purge from these systems instead of only allowing water to be reused in scrubbers or other no-discharge applications. One approach to defining an allowable purge quantity would be to allow purging as a percent of the volume of the bottom ash loop on a regular basis for maintenance of system chemistry, averaged over a sufficient time period to account for variability in load and intake water quality. Additional purges should be allowed if needed for maintenance activities on tanks or other equipment containing large amounts of loop water.

Even though the 2015 ELGs allow the use of bottom ash transport water for scrubber makeup or other no-discharge uses, it is not clear that all of the purge water would be suitable for FGD makeup, and there may still be a need to allow a discharge of bottom ash transport water in order to provide for operational flexibility to ensure reliable generation assets.

Donna B. Hill
Principal Scientist I Land and Water I Environmental Policy and Engagement
Bin 14N-8195 APC HQ I 600 18th Street North I Birmingham, AL 35203
Office 205.257.5234 I Cell[redacted] dbhill@[redacted]
Southern Company

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 9/14/2018 7:22:45 PM
To: Hill, Donna B. [DBHILL@[redacted]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]
CC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Closed-Loop Bottom Ash Transport Water Report

Thanks Donna. Have a great weekend.

From: Hill, Donna B. [mailto:DBHILL@[redacted]
Sent: Friday, September 14, 2018 3:21 PM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: Closed-Loop Bottom Ash Transport Water Report

Jan,
EPRI recently published a report regarding closed-loop bottom ash transport water systems which is publicly available on their website. The abstract of the report and a link to EPRI's website where the report can be downloaded is provided below. This report may be informative as you reconsider the bottom ash transport water limits in the ELG Rule.

Sincerely,
Donna

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Product ID: 3002013706
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The study included an evaluation of 21 plants that had operational experiences ranging from over 20 years of operation of a partially closed-loop system, to operating less than one year, to systems under construction. The evaluation demonstrated that plants will find it problematic and/or costly to meet a no-discharge requirement for bottom ash transport water. Operational flexibility would be achieved if the ELGs allowed for a purge from these systems instead of only allowing water to be reused in scrubbers or other no-discharge applications. One approach to defining an allowable purge quantity would be to allow purging as a percent of the volume of the bottom ash loop on a regular basis for maintenance of system chemistry, averaged over a sufficient time period to account for variability in load and intake water quality. Additional purges should be allowed if needed for maintenance activities on tanks or other equipment containing large amounts of loop water.

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Donna B. Hill
Principal Scientist I Land and Water I Environmental Policy and Engagement
Bin 14N-8195 APC HQ I 600 18th Street North I Birmingham, AL 35203
Office 205.257.5234 I Cell [redacted] I dbhill@[redacted]

Southern Company

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/15/2017 9:46:05 PM
To: Puski, Suzette [SPuski@[redacted] Hutchins, Jason [JHutchins@[redacted]; Dougherty, Jim [jdougherty@[redacted]
Subject: RE: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code [redacted] [EXTERNAL]

Thanks! I just wanted to be safe.

From: Puski, Suzette [mailto:SPuski@[redacted]
Sent: Wednesday, November 15, 2017 4:44 PM
To: Benware, Richard <Benware.Richard@epa.gov>; Hutchins, Jason <JHutchins@[redacted]>; Dougherty, Jim <jdougherty@[redacted]
Subject: RE: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code[redacted][EXTERNAL]

We were not planning on presenting anything at this time.

Suzette M. Puski
Principal Business Dev Spec

RILEY POWER INC.
A Babcock Power Inc. Company
26 Forest St., Suite 300 | MARLBOROUGH, MA, 01752

office | 508-854-3636
mobile | [redacted]
email | SPuski@[redacted]
web | http://www.babcockpower.com

From: Benware, Richard [mailto:Benware.Richard@epa.gov]
Sent: Wednesday, November 15, 2017 1:31 PM
To: Puski, Suzette <SPuski@[redacted]>; Hutchins, Jason <JHutchins@[redacted]>; Dougherty, Jim <jdougherty@[redacted]>
Subject: RE: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code [redacted] [EXTERNAL]

Hi All,

Just wanted to check and see if there were any materials you wanted to present during our call tomorrow. I didn't see a skype/webinar/etc. link attached to the meeting invite. If you feel that it would be helpful to add one just let us know if you will do that or if you need us to. We look forward to meeting with you.

Best,
-Richard

==========
Richard J. Benware, U.S. EPA-Office of Water
Steam Electric ELG Team Leader

William Jefferson Clinton-West, 6231-P
Phone: 202-566-1369; Fax: 202-566-1053
Email: benware.richard@epa.gov
1200 Pennsylvania Ave, NW; Mail Code 4303T
Washington, DC 20460
==========

-----Original Appointment-----
From: Puski, Suzette [mailto:SPuski@[redacted]
Sent: Monday, November 13, 2017 4:19 PM
To: Puski, Suzette; Hutchins, Jason; Dougherty, Jim; Benware, Richard; Jordan, Ronald; Chen, Jimmy; Goldberg, Michael; Matuszko, Jan; Deborah Bartram; Elizabeth Gentile
Subject: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code [redacted]
When: Thursday, November 16, 2017 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room 359

Call in 800-755-4399 Participant Code [redacted]
Discuss options to reduce and optimize FGD effluent discharge in preparation of ELG regulations.
We can also have the call 1 or 2 in the afternoon if that works better.
Suzette

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/15/2017 6:31:18 PM
To: Puski, Suzette [SPuski@[redacted]; Hutchins, Jason [JHutchins@[redacted] Dougherty, Jim [jdougherty@[redacted]]
Subject: RE: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code[redacted]

Hi All,

Just wanted to check and see if there were any materials you wanted to present during our call tomorrow. I didn't see a skype/webinar/etc. link attached to the meeting invite. If you feel that it would be helpful to add one just let us know if you will do that or if you need us to. We look forward to meeting with you.

Best,
-Richard

==========
Richard J. Benware, U.S. EPA-Office of Water
Steam Electric ELG Team Leader
William Jefferson Clinton-West, 6231-P
Phone: 202-566-1369; Fax: 202-566-1053
Email: benware.richard@epa.gov
1200 Pennsylvania Ave, NW; Mail Code 4303T
Washington, DC 20460
==========

-----Original Appointment-----
From: Puski, Suzette [mailto:SPuski@[redacted]
Sent: Monday, November 13, 2017 4:19 PM
To: Puski, Suzette; Hutchins, Jason; Dougherty, Jim; Benware, Richard; Jordan, Ronald; Chen, Jimmy; Goldberg, Michael; Matuszko, Jan; Deborah Bartram; Elizabeth Gentile
Subject: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code[redacted]
When: Thursday, November 16, 2017 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room 359

Call in 800-755-4399 Participant Code [redacted]
Discuss options to reduce and optimize FGD effluent discharge in preparation of ELG regulations.
We can also have the call 1 or 2 in the afternoon if that works better.
Suzette

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/7/2017 1:34:24 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Jackson, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b4ab98640e443848af6ef0a7d891392-Jackson, Mary]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; vs002005@mymail.pomona.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user635ec910]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]
BCC: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user0d8933bf]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/16/2017 3:30:00 PM
End: 11/16/2017 5:00:00 PM
Show Time As: Tentative

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

number is 1-866-299-3188
conf code is [redacted]

Best,
-Richard

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/2/2017 6:51:26 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Jackson, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b4ab98640e443848af6ef0a7d891392-Jackson, Mary]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; vs002005@mymail.pomona.edu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user635ec910]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
BCC: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user0d8933bf]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/8/2017 6:00:00 PM
End: 11/8/2017 7:00:00 PM
Show Time As: Tentative

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

Mary – I'm not sure if you were having Vadim come in person, but if not can you guys provide a call-in number and/or GoToMeeting that we can all use?

Best,
-Richard

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 5/8/2018 7:26:08 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]
Subject: RE: Meeting with Hoosier Energy

Liz - sounds good.

Sara – I start at 7:30am, but I'll probably aim to be more like 7:00 because of the meeting, so any time after that you can just call my cell: 518.791.5039.

Thanks for checking!
-Richard

From: Elizabeth Gentile [mailto:Elizabeth.Gentile@erg.com]
Sent: Tuesday, May 08, 2018 2:36 PM
To: Benware, Richard <Benware.Richard@epa.gov>; Sara Bossenbroek <Sara.Bossenbroek@erg.com>
Subject: RE: Meeting with Hoosier Energy

Good afternoon, Richard –

Sara will be participating in the Hoosier meeting tomorrow, should she plan to call you when she arrives to be let in? If not, is there someone else you suggest (Michael)?

Thanks,
Liz

-----Original Appointment-----
From: Benware, Richard <Benware.Richard@epa.gov>
Sent: Tuesday, April 24, 2018 3:20 PM
To: Benware, Richard; Matuszko, Jan; Angie Lee
Cc: Caleb Steiner; Matt Mabrey; Chen, Jimmy; Allen, Ashley; Goldberg, Michael; Elizabeth Gentile; Sara Bossenbroek
Subject: Meeting with Hoosier Energy
When: Wednesday, May 9, 2018 9:00 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest6231F/DC-CCW-OST

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

I Introductions
II Hoosier Energy Background
III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/14/2017 8:49:30 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Jackson, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b4ab98640e443848af6ef0a7d891392-Jackson, Mary]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; vs002005@[redacted]/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user635ec910]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]; Ryan Novak [Ryan.Novak@erg.com]
BCC: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user0d8933bf]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/16/2017 4:30:00 PM
End: 11/16/2017 5:30:00 PM
Show Time As: Tentative

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

number is 1-866-299-3188
conf code is [redacted]

Best,
-Richard

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/14/2018 2:06:42 PM
To: Bozek, Richard [RBozek@[redacted]
Subject: RE: Thank You
Attachments: 20180608 Steam Power ELG Letter to Administrator from AWWA AMWA.PDF

From: Bozek, Richard [mailto:RBozek@eei.org]
Sent: Thursday, June 14, 2018 9:20 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Thank You

Richard:
We are happy to discuss our perspective at any time. Thank you and your team for such a productive meeting. Call me anytime.

Rich

C. Richard Bozek
Director, Environmental and Health & Safety Policy
Edison Electric Institute
701 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2696
[redacted]
Rbozek@[redacted]
Follow EEI on Twitter, Facebook, and YouTube.

From: Benware, Richard [mailto:Benware.Richard@epa.gov]
Sent: Thursday, June 14, 2018 8:59 AM
To: Bozek, Richard <RBozek@[redacted]
Subject: Thank You

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

Rich,

Thank you for meeting with us yesterday. I know it was probably a tough ask to get folks in from other time zones for a 7am EST meeting, but we appreciate it. I found it to be a very productive meeting, and your members were able to articulate some of the things they find important that perhaps we hadn't considered as important. I think there were a couple of follow up items, so could I call you this morning?

Best,
-Richard

Message

From: Allen, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38F541491EF94CE5AE934B78A9E3B2A6-AALLEN]
Sent: 6/21/2018 9:39:17 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Patrick Goodwin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd514401d]; Jill Lucy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user05d69bb8]; Ryan Novak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb996a810]; Kathleen Onorevole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user60556942]; Kung, Megan [Megan.Kung@icf.com]; Morin, Isabelle [Isabelle.Morin@icf.com]
Subject: June 25 VanBriesen Call
Attachments: 20180530_AWWA_presentation.pdf; Wang et al_2015.pdf

Hi everyone –

I just sent out an updated invitation for the June 25 call with Jeanne VanBriesen with the information you'll need to join the webinar. We've added some additional folks to the invite list for the call so this email is to make sure everyone has all the background information on the call.

The primary purpose of the meeting is to review materials on bromide level temporal/spatial variability in environmental water samples that VanBriesen did not have time to discuss during EPA's May 30 meeting with AWWA. The shareable slides from that meeting are attached. Note that there are very few slides in the attachment on the topic for Monday's call (see "Bromide Monitoring Challenges" section starting on p. 33). VanBriesen's group is currently preparing this material for publication and so she's unable to provide a copy to EPA at this time. Attached, however, is a paper addressing similar monitoring issues for TDS that her research group published a few years ago.

If there's time remaining after discussing the bromide monitoring materials, VanBriesen would be happy to respond to questions about any of her research (including her bromide discharge research). She has asked that I provide any questions by this Friday so that she can gather any information she needs to respond. **Please send me your questions no later than 2 PM on Friday.** Bringing up additional questions on Monday is OK, but she might have to circle back to us after the call with a response. We will have limited time for questions for Monday, so please prioritize questions we cannot answer by reviewing VanBriesen's publications (an associated Supplementary Information).

Adam Carpenter from AWWA has confirmed that he'll participate in Monday's call.

Talk to everyone on Monday!

Ashley

Ashley L. Allen

Office of Water – Office of Science and Techology
U.S. Environmental Protection Agency
(202) 566-1012

Appointment

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 4/2/2018 1:58:47 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; kevin.bromberg@sba.gov; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Wood, Robert [Wood.Robert@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Grevatt, Peter [Grevatt.Peter@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]

Subject: Meeting with Kevin Bromberg
Attachments: Real ID Information.pdf; Advocacy Petition for Review re EPA Steam Electric Power Plant Effluent Limitations Guidelines.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 3219B WJCe Please call 202-564-5700 for escort

Start: 4/9/2018 3:00:00 PM
End: 4/9/2018 3:45:00 PM
Show Time As: Tentative

Kevin Bromberg
Assistant Chief Counsel for Environmental Policy
SBA // Office of Advocacy
409 3rd St. SW, Washington, D.C. 20416
kevin.bromberg@sba.gov 202.481.2963
202.205.6964
Charles Maresca | Director of Interagency Affairs | SBA Office of Advocacy |
409 3rd St. SW, Washington, DC 20416 |p 202/205-6978 | f 202/481-0408

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 11/2/2017 6:51:30 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Jackson, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b4ab98640e443848af6ef0a7d891392-Jackson, Mary]; Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]; vs002005@[redacted] [VShcherbina@[redacted]; Deborah Bartram [deborah.bartram@erg.com]; Elizabeth Gentile [elizabeth.gentile@erg.com]
CC: Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]; Ryan Novak [Ryan.Novak@erg.com]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/16/2017 4:30:00 PM
End: 11/16/2017 5:30:00 PM
Show Time As: Busy

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

number is 1-866-299-3188
conf code is [redacted]

Best,
-Richard

Appointment

From: Puski, Suzette [SPuski@[redacted]
Sent: 11/13/2017 9:18:56 PM
To: Puski, Suzette [SPuski@[redacted]; Hutchins, Jason [JHutchins@[redacted] Dougherty, Jim [jdougherty@[redacted]]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
BCC: Conference Room 359 [marlborough_359@[redacted]

Subject: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code[redacted]
Location: Conference Room 359

Start: 11/16/2017 2:00:00 PM
End: 11/16/2017 3:00:00 PM
Show Time As: Busy

Recurrence: (none)

Call in 800-755-4399 Participant Code [redacted]
Discuss options to reduce and optimize FGD effluent discharge in preparation of ELG regulations.
We can also have the call 1 or 2 in the afternoon if that works better.
Suzette

Appointment

From: ODea, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ODEA, ELISE
Sent: 11/8/2017 3:13:32 PM
To: ODea, Elise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ODea, Elise]; OGC ALL
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=f12d00b17b9a45d4a91320a05a05d532-R4 OEA Legal-Attorneys]; R5 ORC ALL ATTORNEY
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=25332a7d72634e2eb7f912e147e07c8f-MPalermo]; Nalven, Heidi [/o=ExchangeLabs/ou=
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=15644442a1194d7e9f07b0f9fc172d6d-Trudeau, Sh]; Lee, Michael [/o=ExchangeLabs/ou=
(FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Vergeront, Julie [/o=ExchangeLabs/
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=95fbbe1165d94863b1003c284a973745-Mills, Joann]; Rivera-Ocasio, Evelyn [/o=Exchange
(FYDIBOHF23SPDLT)/cn=Recipients/cn=3c6b91e5a2864f11bc8eb61d09abbc01-Wagner, Amelia]; Tripathi, Arati [/o=ExchangeLab
(FYDIBOHF23SPDLT)/cn=Recipients/cn=34f0a647f38a48d684b62f59a9143529-KWeaver]; Westergaard, Sara [/o=ExchangeLabs/c
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b78d3a2d4e224df7b85559ad7912536d-JWilli25]; Dillard, Jacqueline [/o=ExchangeLabs/o
(FYDIBOHF23SPDLT)/cn=Recipients/cn=d22057b0ff7646318b88332f787cc9d4-MRobin02]; Mohanty, Jini [/o=ExchangeLabs/ou=E
(FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]; Hick, Patricia [/o=ExchangeLa

CC: Greenglass, Nora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6224d63d77584
[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=AHARDEE]; Kenney, Thomas [/o=E
(FYDIBOHF23SPDLT)/cn=Recipients/cn=faf97b9a89d244c28960a086af1acd3f-NCantell]; Berns, Anne [/o=ExchangeLabs/ou=Exch
(FYDIBOHF23SPDLT)/cn=Recipients/cn=045ef1ad574943d09c18ebad5ccd361d-PBending]; Good, Sheryl [/o=ExchangeLabs/ou=E
(FYDIBOHF23SPDLT)/cn=Recipients/cn=0c938a7279b342768396887312c982d4-Barnett, Cheryl]; Buchsbaum, Seth [/o=Exchange
(FYDIBOHF23SPDLT)/cn=Recipients/cn=4c88aae738714b76bbef976bb79e1db5-Jhowell]; Stephenson, Natalie [/o=ExchangeLabs/
(FYDIBOHF23SPDLT)/cn=Recipients/cn=5bee07092d8e425d99d3c410b50f9783-Samples, Ai]; Mikalian, Charles [/o=ExchangeLabs
(FYDIBOHF23SPDLT)/cn=Recipients/cn=a4a78e829a3448cfb9e19fd209bb8616-GWILCOX]; Johnson, MaryC [/o=ExchangeLabs/ou

(FYDIBOHF23SPDLT)/cn=Recipients/cn=2bd63929517f4d09a86d41a8665d986f-DUDDING, CHRIS]; Nagrani, Kavita [/o=ExchangeL
(FYDIBOHF23SPDLT)/cn=Recipients/cn=70acc3335ff44cf7afcaaf77c16c67c7-Nowell, Valerie]; Wood, Robert [/o=ExchangeLabs/o
(FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=
(FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Ramach, Sean [/o=ExchangeLa
(FYDIBOHF23SPDLT)/cn=Recipients/cn=451cffa849784e68afbcb2c477de077b-JBeese]; Oviedo, Luis [/o=ExchangeLabs/ou=Excha
(FYDIBOHF23SPDLT)/cn=Recipients/cn=ea4d3d09aadf446d91a9d4ec21234de3-Pyeany]; Ihlenburg, Erick [/o=ExchangeLabs/ou=E
(FYDIBOHF23SPDLT)/cn=Recipients/cn=4d2e00dc2545473ba5b73b4893e55b7b-Temple, Kur]; Simpson, Terry [/o=ExchangeLabs/
(FYDIBOHF23SPDLT)/cn=Recipients/cn=e27d0a99a96942119ff85ae2a6132062-RCAMPBEL]; Dain, Gregory [/o=ExchangeLabs/ou=
(FYDIBOHF23SPDLT)/cn=Recipients/cn=e18a670acc604fd1aee377acb0d8daaf-Eckhardt, C]; Siegal, Tod [/o=ExchangeLabs/ou=Ex
(FYDIBOHF23SPDLT)/cn=Recipients/cn=1420f26c78b344389771acde30f2368c-WOKOYE]; Trawick, Matthew [/o=ExchangeLabs/o
(FYDIBOHF23SPDLT)/cn=Recipients/cn=d2cdc821c2414bc7ac512bde5b73d997-Schwartz, Paul]; Nichols, Nathanael [/o=Exchange
(FYDIBOHF23SPDLT)/cn=Recipients/cn=1877bf3ba2b4413684dde30ebccf6309-Stein, Mark]; Garrett, Shellita [/o=ExchangeLabs/
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c818363088ca49878e534da81c7d9e6e-DOLPH, BECKY]; Srinivasan, Gautam [/o=Exchang
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c2dcfe2f3b0046408d6a1c0b22812817-SWOLFSON]; Christenson, Kara [/o=ExchangeLabs
(FYDIBOHF23SPDLT)/cn=Recipients/cn=29c8aea69cd647a3971cf025634c5ee9-CKawakam]

Subject: OGC Brown Bag - Litigation During Regulatory Change: The Clean Water Act, Administrative Procedure Act, and Steam Electric Ru
Attachments: OGC Brown Bag - Litigation During Regulatory Change.pptx
Location: DCRoomWJCN 4045; Conf. line (866) 299-3188, code 2025647382#

Start: 11/9/2017 5:00:00 PM
End: 11/9/2017 6:00:00 PM
Show Time As: Tentative

Please join OGC's Water Law Office for a discussion of litigation involving EPA's decision to delay and reconsider the 2015 steam electric rule.

Adobe Connect link to view PowerPoint: http://epawebconferencing.acms.com/brownbagogc/

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 7/24/2018 5:29:27 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Behan, Frank [Behan.Frank@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Miller, Jesse [Miller.Jesse@epa.gov]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Hill, Donna B. [DBHILL@[redacted]]; Craig, Nathan D [Nathan.Craig@[redacted] ellison@[redacted] Gallagher, Benjamin J. [BJGALLAG@[redacted]; Pugh, John David [JDPUGH@[redacted]]; Wilson, Jeff [JLWILSON@[redacted]; Preece, Jeffery [jpreece@epri.com]; Ryan Novak [Ryan.Novak@erg.com]; Ladwig, Ken [Keladwig@[redacted] Hensel, Bruce [bhensel@[redacted]]; Santoianni, Dawn [Dawn.Santoianni@[redacted]

Subject: CONFIRMED: Paste Landfills w/EPRI, Duke, Southern
Location: Conference Line

Start: 8/6/2018 2:00:00 PM
End: 8/6/2018 4:00:00 PM
Show Time As: Tentative

Call In Number: 202.991.0477
Conference ID:[redacted]

AGENDA:

- Introductions
- Overview of flue gas desulfurization (FGD) wastewater [EPA]
  - 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
  - Water quality-based effluent limitations
  - Technologies that generate brine, and potential means for handling
- Brine management [EPRI/Duke/Southern]
  - How is brine managed?
  - What's the difference between ash conditioning and paste?
- Paste Overview {EPRI/Duke/Southern]
  - Use of paste in other industries
  - CCR paste characteristics
- Landfills vs. Surface Impoundments [EPRI/Duke/Southern]
  - Behavior of paste in landfills
  - Interactions with state regulators
  - Potential solutions
- Action items & next steps

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/1/2018 7:44:33 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Weatherill, Dominic J. [DJWEATHE@[redacted]
CC: McVicar, Ashley M [AMMcVica@[redacted]]; Hill, Donna B. [DBHILL@[redacted]]; Hendricks, Scott [ASHENDRI@s[redacted]]; Wilson, Jeff [JLWILSON@[redacted]; Godfrey, Mike (Environmental) [JGODFREY@[redacted]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Tentative

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 4/25/2018 1:20:03 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; ndernik@[redacted] BCValenkamph@[redacted]jloewe@[redacted]; gbaacke@[redacted]
CC: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Allen, Ashley [Allen.Ashley@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Karishma Kibria [karishma.kibria@pgenv.com]

Subject: Meeting with NIPSCO/NiSource
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/31/2018 5:30:00 PM
End: 5/31/2018 7:30:00 PM
Show Time As: Tentative

NIPSCO / NiSource
ELG Data Request Follow-Up Meeting
Agenda
5/31/2018

1:30 PM Eastern

1) Introductions (15 min)

2) NIPSCO Submission (30 min)
a) Conditions
b) Results
c) NIPSCO's Interpretation
d) Questions

3) Concerns with Best Available Technology from the 2015 ELG Rule (45 min)
a) FGD Wastewater: Concerns with Bio-treatment
i) Intermittent or variable waste streams
ii) Long recovery from failure of system
iii) Cold weather climates
iv) Site specific cost analysis
v) Questions
b) Bottom Ash Transport Water: Concerns with prohibition of discharge
i) Only blowdown through FGD system
ii) Concerns during outage cleaning
iii) Concerns about system chemistry cycle up
iv) Reasonable, intermittent, controlled discharge could be managed

v) Questions

4) Compliance Timing (15 min)
a) Reasonable initial compliance date based on new requirements
b) Alternative Compliance Schedule
c) Questions

Appointment

From: Fabian Solberg/Eisenmann/US [Fabian.Solberg@[redacted]
Sent: 4/9/2018 12:35:34 PM
To: Fabian Solberg/Eisenmann/US [Fabian.Solberg@[redacted]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; margarita.luis@[redacted]; Vijay Suri/Eisenmann/US [vijay.suri@[redacted]; yurong.li@[redacted]
CC: Larry Hudson/Eisenmann/US [Larry.Hudson@[redacted]

Subject: FW: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
Attachments: ATT00001.htm; EUEC I5.2 FO for FGD to meet ELG.pdf; c073415.ics
Location: TBD

Start: 5/1/2018 3:00:00 PM
End: 5/1/2018 4:00:00 PM
Show Time As: Busy

Are you guys calling in from a conference room tomorrow or from your desks?

-----Original Appointment-----
From: Fabian Solberg/Eisenmann/US [mailto:Fabian.Solberg@[redacted]
Sent: Monday, April 09, 2018 8:44 AM
To: Fabian Solberg/Eisenmann/US; Chen, Jimmy; Goldberg, Michael; Benware, Richard; Elizabeth Gentile; Danielle Lewis; Jordan, Ronald; margarita.luis@[redacted] Vijay Suri/Eisenmann/US; yurong.li@[redacted]
Cc: Larry Hudson/Eisenmann/US
Subject: FW: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
When: Tuesday, May 01, 2018 10:00 AM-11:00 AM Central.
Where:

-----Original Appointment-----
From: Fabian Solberg/Eisenmann/US [mailto:Fabian.Solberg@[redacted]
Sent: Monday, April 09, 2018 8:36 AM
To: Fabian Solberg/Eisenmann/US; Jordan, Ronald; margarita.luis@[redacted]; Vijay Suri/Eisenmann/US; yurong.li@[redacted]
Cc: Larry Hudson/Eisenmann/US
Subject: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
When: Tuesday, May 01, 2018 10:00 AM-11:00 AM Central.
Where:

Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview

05/01/2018 -

No Location Information

Fabian Solberg has invited you to a meeting. You have not yet responded.

Required: jordan.ronald@epa.gov, margarita.luis@[redacted] Vijay Suri/Eisenmann/US@EISENMANN, yurong.li[redacted]

Optional: Larry Hudson/Eisenmann/US@EISENMANN

Description

(See attached file: EUEC I5.2 FO for FGD to meet ELG.pdf)

-- Do not delete or change any of the following text. --

JOIN WEBEX MEETING
https://meetingvisuals.webex.com/meetingvisuals/j.php?MTID=me2703aaf074cebe8f58cbc482dd31585
Meeting number:[redacted]

JOIN BY PHONE
Call-in toll-free number: 1-888-8956448 (US/Canada)
Call-in number: 1-954-8926767 (US/Canada)
Show global numbers:
https://www.tcconline.com/offSite/OffSiteController.jpf?cc=[redacted]
Conference Code: [redacted]

Can't join the meeting?
https://help.webex.com/docs/DOC-5412

If you are a host, go here to view host information:
https://meetingvisuals.webex.com/meetingvisuals/j.php?MTID=md2c5053bdbf5afeda181787b9f13e47d

IMPORTANT NOTICE: Please note that this WebEx service allows audio and other information sent during the session to be recorded, which may be discoverable in a legal matter. By joining this session, you automatically consent to such recordings. If you do not consent to being recorded, discuss your concerns with the host or do not join the session.

Appointment

From: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Sent: 2/7/2018 6:54:21 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]

Subject: FGD Technology Review
Location: Conf Call 1-888-231-2017 [redacted]

Start: 2/8/2018 6:00:00 PM
End: 2/8/2018 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Call to discuss FGD technologies and prep for vendor calls.

We can use a GoTo meeting to walk through the notes together:

Steam - FGD Treatment Technologies
Thu, Feb 8, 2018 12:30 PM - 3:30 PM EST

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/[redacted]

Join the conference call:
Conf Call 1-888-231-2017 [redacted]

First GoToMeeting? Let's do a quick system check: https://link.gotomeeting.com/system-check

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 10/12/2018 8:38:46 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 09/2018 (WA 0-29) - September 2018
Attachments: Invoice 12_2018 September WA 0-29.pdf; TPR 12_2018 September WA 0-29.pdf

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Please find attached the Technical Progress Report (TPR) and invoice for period of September 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 8/14/2018 12:58:45 AM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 07/2018 (WA 0-29) - July 2018
Attachments: Invoice 10_2018 July WA 0-29.pdf; TPR 10_2018 July WA 0-29.pdf

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Please find attached the Technical Progress Report (TPR) and invoice for period of July 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
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Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 7/16/2018 5:41:27 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Teresa Medley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb4e0e945]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 06/2018 (WA 0-29) - June 2018
Attachments: Invoice 09_2018 June WA 0-29.pdf; TPR 09_2018 June WA 0-29.pdf

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Please find attached the Technical Progress Report (TPR) and invoice for period of June 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
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Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 12/17/2018 9:36:53 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Teresa Medley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb4e0e945]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 11/2018 (WA 1-29) - November 2018
Attachments: Invoice 02_2018 November WA 1-29.pdf; TPR 14_2018 November WA 1-29.pdf

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Please find attached the Technical Progress Report (TPR) and invoice for period of November 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 1/16/2018 7:12:38 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 12/2017 (WA 0-29) - December 2017
Attachments: Invoice 03_2017 December WA 0-29.pdf; TPR 03_2017 December WA 0-29.pdf

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Please find attached the Technical Progress Report (TPR) and invoice for period of December 2017.

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Regards,

Teresa A. Medley, Project Assistant
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14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 12/13/2018 9:29:40 PM
To: Thompson, Anne M. [anne.m.Thompson@[redacted]]; Dunn, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a95618cc07745f9a4b30b3f654cd05d-DUNN, JOHN]
Subject: Metal cleaning wastes and applicability of 40 CFR 423 to combined cycle units
Attachments: Steam Electric ELG guidance_Combined Cycle.pdf

Anne & John,

See information below from the Code of Federal Regulations and the Technical Development Document for the Steam Electric effluent guidelines. In addition, I'm attaching the memo I mentioned during our phone call. Please let me know if you have further questions.

COMBINED CYCLE GENERATING UNITS

Excerpt from the Code of Federal Regulation (40 CFR 423):
§423.10 Applicability.
The provisions of this part apply to discharges resulting from the operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This part applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.

Excerpt (pages 8-36 and 8-37) from the "Technical Development Document for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category," EPA-821-R-15-007, September 2015.

> *Third, the final rule clarifies the applicability provision to reflect the current interpretation that combined cycle systems are subject to the ELGs. The ELGs apply to electric generation processes that utilize "a thermal cycle employing the steam water system as the thermodynamic medium."(40 CFR 423.10). EPA's longstanding interpretation is that the ELGs apply to discharges from all electric generating processes with at least one prime mover that utilizes steam (and that meet the other applicability factors in 40 CFR423.10). Combined cycle systems, which are generating units composed of one or more combustion turbines operating in conjunction with one or more steam turbines, are subject to the ELGs. The combustion turbines for a combined cycle system operate in tandem with the steam turbines; therefore, the ELGs apply to wastewater discharges associated with both the combustion turbine and steam turbine portions of the combined cycle system. The final rule, therefore, clarifies that "[t]his part applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit."*

METAL CLEANING WASTES

Excerpt (pages 4-38 and 4-39) from the "Technical Development Document for the Proposed Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category," EPA-821-R-13-002, April 2013. (This information, and additional information presented in Section 6 of the TDD for the Proposed Rule, is not repeated in the TDD for the Final Rule because the 2015 document focused on the wastestreams for which revised regulations were being promulgated; nonetheless, the information presented in the TDD for the 2013 Proposed Rule remains relevant for metal cleaning wastes. Note the highlighted text below.)

4.3.7 Metal Cleaning Waste

The Steam Electric Power Generating ELGs define metal cleaning waste as "any wastewater resulting from cleaning [with or without chemical cleaning compounds] any metal process equipment, including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning." [See 40 CFR 423.11]. Plants use chemicals to remove scale and corrosion products that accumulate on the boiler tubes and retard heat transfer. The major constituents of boiler cleaning wastes are the metals of which the boiler is constructed, typically iron, copper, nickel, and zinc. Boiler firesides are commonly washed with a high-pressure water spray against the boiler tubes while they are still hot. Fossil fuels with significant sulfur content will produce sulfur oxides that adsorb on air preheaters. Water with alkaline reagents is often used in air preheater cleaning to neutralize the acidity due to the sulfur oxides, maintain an alkaline pH, and prevent corrosion. The types of alkaline reagents used include soda ash, caustic soda, phosphates, and detergent.

The frequency of metal cleaning activities can vary depending on the type of cleaning operation and individual plant practices. Some operations occur as often as several times a day, while others occur once every several years. Soot blowing, the process of blowing away the soot deposits on furnace tubes, generally occurs once a day, but some units do this as often as several hundred times a day. While 83 percent of units responding to the survey use steam or service air to blow soot, some plants may generate wastewater streams. Air heater cleaning is another frequent cleaning activity. Sixty-six percent of the units perform this operation at least once every two years, while other units perform this cleaning task very infrequently, only once every 40 years. Generally, plants use intake or potable water to clean the air heater [ERG, 2013].

The following is a list of all the metal cleaning wastes that were reported in response to the Steam Electric Survey:

- Air compressor cleaning;
- Air-cooled condenser cleaning;
- Air heater cleaning;
- Boiler fireside cleaning;
- Boiler tube cleaning;
- Combustion turbine cleaning (combustion portion and/or compressor portion);
- Condenser cleaning;
- Draft fan cleaning;
- Economizer wash;
- FGD equipment cleaning;
- Heat recovery steam generator cleaning;
- Mechanical dust collector cleaning;
- Nuclear steam generator cleaning;
- Precipitator wash;
- SCR catalyst soot blowing;
- Sludge lancing;
- Soot blowing;
- Steam turbine cleaning; and
- Superheater cleaning.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Criswell, Gordon D [Gordon.Criswell@[redacted]
Sent: 1/17/2018 9:08:52 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Criswell, Gordon D [Gordon.Criswell@[redacted]
Subject: FW: Participation in Bottom Ash Transport Water Sampling Effort
Attachments: Participation in Bottom Ash Transport Water Sampling Effort.pdf

Ron,
Attached is the letter we sent to Robert Wood on January 15, 2018 where we respectively declined to participate in the bottom ash transport water sampling program Please call me at [redacted] if you have any questions.
Thanks,
Gordon Criswell

From: Barrett, Corrie C
Sent: Monday, January 15, 2018 1:11 PM
To: wood.robert@epa.gov
Cc: Dennehy, Neil J <Neil.Dennehy@[redacted]>; Criswell, Gordon D <Gordon.Criswell@[redacted]
Shamory, Craig S <Craig.Shamory@[redacted]>
Subject: Participation in Bottom Ash Transport Water Sampling Effort

Please find attached a pdf document regarding: Participation in Bottom Ash Transport Water Sampling Effort.

Corrie Barrett
Administrative Assistant | Colstrip Power Plant
Corrie.Barrett @TalenEnergy.com
Office: 406-748-5273 | Cell: N/A
P.O. Box 38
580 Willow Ave.
Colstrip, MT 59323

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Message

From: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Sent: 8/14/2018 7:41:06 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Covington, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37b66364a2a84cf494c686173ee51f53-JCOVIN02]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Morin, Isabelle [Isabelle.Morin@icf.com]
CC: Danielle Stewart [Danielle.Stewart@erg.com]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Patrick Goodwin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd514401d]; Jill Lucy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user05d69bb8]
Subject: FW: Steam Electric - Revised Costs
Attachments: SE07012_FGD Costs_Plant and Unit Level_Options 1-4_2018.07.19.xlsx; SE07013_BA Costs_Plant and Unit Level_All MW_2018.07.19.xlsx; CURRENT_Industry Profile Output_2018.07.17.xlsx

---

From: Elizabeth Gentile
Sent: Friday, July 20, 2018 8:26 AM
To: 'jordan.ronald@epa.gov' <jordan.ronald@epa.gov>; 'benware.richard@epa.gov' <benware.richard@epa.gov>; covington.james@epa.gov; Morin, Isabelle <Isabelle.Morin@icf.com>
Cc: Deborah Bartram <deborah.bartram@erg.com>; Danielle Lewis <Danielle.Lewis@erg.com>
Subject: Steam Electric - Revised Costs

Ron, et al.,

Attached, please find the revised costs for FGD (technology options 1-4) and Bottom Ash (purge and zero discharge). These costs include the following updates:

- Dallman TIP update
- Membrane cost curve update
- Bottom ash surge tank costs for Remote MDS installations
- POTW savings (for FGD and bottom ash)
- Additional retirements identified

These costs are also:

- NonCBI
- 2018$
- Account for the CCR Rule
- Include <50MW

I've also attached the revised industry profile. Please let us know if you have any questions.

Thanks,
Liz

Elizabeth A. Gentile
Environmental Engineer
Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151
elizabeth.gentile@erg.com
Phone: 484-364-4481

Message

From: Danielle Lewis [Danielle.Lewis@erg.com]
Sent: 4/23/2018 6:23:12 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]
Subject: FGD Costing Methodologies - CP and CP+ABMet
Attachments: FGD CP Cost Methodology_Outline_Rev 2_2018.04.23.docx; FGD CP + ABMet Cost Methodology_Outline_Rev 2_2018.04.23.docx

Ron,

Attached are the updated methodology outlines for the draft costs we delivered on Friday. These outlines describe the methodologies for the FGD costs only, the CP only option and the CP+ABMet option.

Let me know if you have any questions.
Danielle

Message

From: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Sent: 5/30/2018 4:51:08 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: DRAFT: Curves
Attachments: Membrane Cap and OM Curves_2018.05.30.xlsx; NonCBI_Membrane T&D Methodology Example - Copy.docx

INTERNAL DRAFT DELIBERATIVE

Ron:

As mentioned in the voicemail I just left for you, I'm sending along some plots comparing the costs of the membrane vendors (excluding transport and disposal). The majority of the information has been removed from these plots to protect CBI, when you are ready I can provide some details.

Additionally, I attached the revised portion of the methodologies used to estimate the solids from brine management. There are values removed from this write-up to protect CBI, but I can also fill those gaps in for you when you have a minute.

Please give me a call when you're available.

Thanks,
Liz

Elizabeth A. Gentile
Environmental Engineer
Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151
elizabeth.gentile@erg.com
Phone: 484-364-4481

Message

From: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Sent: 4/27/2018 1:52:23 AM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: DRAFT: Bottom Ash Methodology
Attachments: Bottom Ash Cost Methodology Outline_041918.docx

Ron:

As we discussed today, attached is the latest draft of the bottom ash methodology. This draft includes the most up to date equations; however, I still need to incorporate wording changes from your previous review.

Thanks,
Liz

Elizabeth A. Gentile
Environmental Engineer
Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151
elizabeth.gentile@erg.com
Phone: 484-364-4481

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:47:16 PM
To: Frank, Stephen [Stephen.Frank@[redacted]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_NRG Energy_01032018.pdf

Steve,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:45:34 PM
To: Lapcevic, Joseph P [jlapcev@[redacted]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_FirstEnergy_01032018.pdf

Joe,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:43:42 PM
To: Timothy W Lohner [twlohner@[redacted]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_AEP_01032018.pdf

Tim,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/31/2018 3:08:20 PM
To: Lon Petts [lpetts@[redacted]
CC: Rob Horton [JHorton@[redacted] Angie Lee [ALee@[redacted]
Subject: RE: FGD Test Analytical Data Table
Attachments: Attachment 1_FGD Test Analytical Data Table.xlsx; Attachment 2_Supplemental Data.xlsx; Attachment 3_Halogen Analytical Data Table.xlsx

Good morning,

A CD containing several files was included along with the letter mailed to Mr. Horton. All of the files on the disk are attached to this email. Please let me know if you have any questions after you have the opportunity to review.

Thank you for your efforts to compile the requested information.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Lon Petts [mailto:lpetts@[redacted]
Sent: Wednesday, January 31, 2018 8:34 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Rob Horton <JHorton@[redacted]; Angie Lee <ALee@[redacted]
Subject: FGD Test Analytical Data Table

Mr. Jordan,

I am preparing some of the information that EPA requested in its January 3, 2018, letter to Mr. Rob Horton, regarding FGD Wastewater Treatment testing at Hoosier Energy's Merom Generating Station. Enclosure 2 of the letter discusses Attachment 1, the FGD Test Analytical Data Table. It does not appear that we received that table. Can you forward that to me?

Thank you,

Lon M. Petts
Environmental Team Leader
Hoosier Energy REC, Inc.
2501 S. Cooperative Way
Bloomington, IN 47403

Phone [redacted]
Fax (812) 935-4728

Message

From: Danielle Lewis [Danielle.Lewis@erg.com]
Sent: 1/31/2018 2:00:27 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: RE: FGD Test Analytical Data Table
Attachments: Attachment 1_FGD Test Analytical Data Table.xlsx; Attachment 2_Supplemental Data.xlsx; Attachment 3_Halogen Analytical Data Table.xlsx

Ron,

Here are the attachment sent with the Data Request. Let me know if you need anything else.

Danielle

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Wednesday, January 31, 2018 8:52 AM
To: Danielle Lewis <Danielle.Lewis@erg.com>
Cc: Elizabeth Gentile <Elizabeth.Gentile@erg.com>; Deborah Bartram <Deborah.Bartram@erg.com>
Subject: FW: FGD Test Analytical Data Table

Danielle, please send me the files that were included on the CDs included with the letter. I want to make sure I send the correct versions.

From: Lon Petts [mailto:lpetts@[redacted]
Sent: Wednesday, January 31, 2018 8:34 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Rob Horton <JHorton@[redacted]; Angie Lee <ALee@[redacted]>
Subject: FGD Test Analytical Data Table

Mr. Jordan,

I am preparing some of the information that EPA requested in its January 3, 2018, letter to Mr. Rob Horton, regarding FGD Wastewater Treatment testing at Hoosier Energy's Merom Generating Station. Enclosure 2 of the letter discusses Attachment 1, the FGD Test Analytical Data Table. It does not appear that we received that table. Can you forward that to me?

Thank you,

Lon M. Petts
Environmental Team Leader
Hoosier Energy REC, Inc.
2501 S. Cooperative Way
Bloomington, IN 47403
Phone [redacted]
Fax (812) 935-4728

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/21/2018 1:57:56 PM
To: Timothy W Lohner [twlohner@[redacted]
Subject: RE: data request letter for FGD wastewater
Attachments: image2018-02-09-154412.pdf

Good morning,

We responded to EPRI on February 9 (see attached letter). As we stated in the letter to Mr. Alley, EPA is not rescinding our request for information and AEP is still obligated to respond to the Section 308 request in full.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Timothy W Lohner [mailto:twlohner@[redacted]
Sent: Wednesday, February 21, 2018 8:45 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: data request letter for FGD wastewater

Ron, Tom Alley of EPRI sent you a letter on February 6 addressing agency access to EPRI reports and the possibility of rescinding your request for the information from the companies who received the 308 letter. Mr. Alley had asked for a response by today.

Can you share what your decision will be? As you might suspect, we are working very hard to meet our March 1 response deadline. If we did not have to provide the EPRI information, it would save us a lot of time.

Thanks!

Tim

AMERICAN ELECTRIC POWER
BOUNDLESS ENERGY

Tim Lohner, Ph.D. | ENVIRONMENTAL SPEC CONSULT
TWLOHNER@[redacted] D:614.716.1255
1 RIVERSIDE PLAZA, COLUMBUS, OH 43215

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Wednesday, January 03, 2018 3:44 PM

To: Timothy W Lohner
Subject: [EXTERNAL] data request letter for FGD wastewater

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments. If suspicious please forward to incidents@aes.com for review.

Tim,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Preece, Jeffery [jpreece@[redacted]
Sent: 3/23/2018 7:27:03 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Swezey, Rory [RSWEZEY@epri.com]
Subject: EPRI Report [redacted]
Attachments: [redacted].pdf

Dear Ron,

We understand from our member, FirstEnergy, that you require access to the following report. This report is priced at $0 and a copy is attached for your convenience.

Report ID: [redacted]
Report Title: Flue Gas Desulfurization (FGD) Wastewater Chemical Precipitation Bench-Scale Treatability Study
Report Link: https://www.epri.com/#/pages/product/[redacted]/

Please let me know if you have any questions.

Sincerely,
Jeffery

Jeffery B. Preece
Sr. Technical Leader
Water Management Technology | Program 185

Office: +1 (704) 595-2870
Cell: +1 [redacted]
Email: jpreece@[redacted]

Electric Power Research Institute | www.epri.com
1300 West WT Harris Blvd.
Charlotte, NC 28262

Click here to view the Water Management Technology program portfolio

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Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/12/2018 2:50:06 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: FW: NIPSCO Follow-up from ELG Data Submission Meeting

Ron,

I just realized that this should probably go into the meeting notes for the NIPSCO meeting like we did with the Hoosier follow-up.

Best,
-Richard

From: Benware, Richard
Sent: Monday, June 11, 2018 10:55 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: FW: NIPSCO Follow-up from ELG Data Submission Meeting

Here is what NIPSCO sent in follow-up to our discussion.

From: ndernik@[redacted] [mailto:ndernik@[redacted]
Sent: Friday, June 08, 2018 3:22 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: jloewe@[redacted]
Subject: NIPSCO Follow-up from ELG Data Submission Meeting

Richard,

Thanks again for taking some time to meet with us. Below are the suggestions that NIPSCO believes could be a very aggressive, but potentially achievable timeline for retirement/repowering as a means to achieve compliance with the ELG rule, a preferred timeline for the same, and a proposal for operations flexibility with regard to a bottom ash transport water (BATW) systems for units that have installed Dry FGDs.

Retirement/Repowering Timelines

The timeline for the retirement decision process for the two units at Bailly is very simple. It took approximately one year to prepare our Integrated Resource Plan (IRP). Of course, we run that IRP analysis, at a minimum, every three years. Our latest analysis considering a combination of factors, including age and condition of the facility, planned capital maintenance needs, anticipated customer demand, and many others led us to the decision to retire the two units.

After the IRP was finalized and described our plan to retire the two units at Bailly, we filed our attachment-Y filing with our ISO (MISO). That filing is necessary to retire any NIPSCO units in Indiana. The process of filing an attachment-Y (with MISO) can be completed as quickly as within one year.

NIPSCO's challenge regarding the compliance timeline in the ELG rule for retirement/repowering is really related to building of replacement generation, which we think will take five to five and a half years to complete.

NIPSCO believes that the most aggressive, possibly achievable, schedule for retirement/repowering is:

1. (By January 2020) – The rule is finalized by January 2020.

2. (By January 2022) – Two years to complete IRP analysis and allow anticipated litigation of the final rule to conclude.

a. Although an IRP analysis could be completed sooner. The PUC in Indiana (IURC) has demonstrated that it will not authorize proposed capital expenditures until litigation of environmental rules has concluded.

3. (By July 2027) – Five and a half years to permit and build replacement generation.

a. NIPSCO has reached out to another regional utility in an attempt to get an example timeline for a recently built CCGT (one replacement option NIPSCO would consider).

b. A more realistic schedule including some time for litigation as well as negotiations with our stakeholders including our regulatory commission would likely be sometime in 2028 for a retirement/repowering provision in the rule.

NIPSCO further believes that a more reasonable timeline for compliance with the ELG rule would be:

1. (2020 – 2025) Compliance by the BAT identified in the rule

a. FGD wastewater – Chemical Precipitation and Bio Treatment

2. (2026) Voluntary Incentive Program

a. FGD wastewater – Zero Liquid Discharge

3. (2028) Retirement/Repowering

a. Commit to Retirement/Repowering by 2025

Bottom Ash Transport Water Flexibility

The Best Available Technology (BAT) for BATW was identified as zero discharge in the 2015 version of the ELG rule. This rule however recognized the need for discharge from the BATW system and provided a clause the allowed facilities to purge the BATW system through the FGD wastewater system.

The BAT for FGD wastewater has been identified as a combination of chemical precipitation and biological treatment systems. Facilities that eliminate the FGD wastewater waste stream altogether by installing a Dry FGD system far exceeded the identified BAT for treating FGD wastewater. In doing so, these facilities with Dry FGDs have eliminated a necessary means of removing BATW from the system. It would not be appropriate to expect those facilities to introduce a waste stream, BATW, into a Dry FGD that was not designed to manage that type of waste stream.

Therefore, in order to provide flexibility to facilities that have exceeded the BAT expectation identified in the ELG rule for FGD wastewater, with regard to BATW NIPSCO offers the following for consideration.

Facilities with Dry FGDs will be permitted to discharge no more than one BATW system volume, no more than one time per calendar year, to meet low volume waste limits at the facilities final outfall.

Please let me know if you have any further questions regarding any of the above suggestions.

Nick Dernik – Director, Environmental Permitting – NiSource
(219)647-6563

Thanks again for the opportunity to contribute.

Best Regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted]" <ndernik@[redacted]
Date: 06/05/2018 10:21 AM
Subject: RE: Thank You

Nick,

I'll see what other folks' availability is, but I think a lot of people are off Friday, and tomorrow we have a long meeting with Southern Company, so it will be tight. I'll be in touch once I have more of an idea for you.

Best,
-Richard

From: ndernik@[redacted] [mailto:ndernik@[redacted]]
Sent: Tuesday, June 05, 2018 11:10 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Re: Thank You

Richard,

Thank you for giving us the opportunity to come in! We enjoyed the conversation as well. It was very refreshing to have such an open dialog.

I've set a few meetings to follow up on some of the action items from our meeting. I'm meeting with a team to discuss ideas about helpful operational flexibility for our station that has a dry FGD this afternoon. I've also set up a meeting with the team that can best answer your question regarding the timeline for retiring our two units at Bailly Station tomorrow morning. I plan to get something back to you by Thursday morning regarding both issues.

Also, thank you for your vendor list related to the bio systems. I've passed them along to engineers for further investigation.

Would you be available for a call sometime later this week to discuss both the dry FGD unit flexibility and the retirement timeline? I could invite some of our experts on these subjects to answer any questions that may arise from our follow up responses. We could be available anytime Thursday afternoon or Friday.

Best regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted]" <ndernik@[redacted]
Date: 06/01/2018 12:56 PM
Subject: Thank You

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Nick,

Thank you for meeting with us yesterday. It was clear that you have a great team to work with, and I thought it was a very helpful discussion. I'm certainly glad we blocked off that extra time!

One thing popped into my head this morning as particularly useful, and that would be the timeline for your closure of the Bailly generating station. If you guys could provide the formal documentation (even if they were just excerpts or in a CBI format) for when you made your decision to close Bailly, how long it took to go through your PUC, and the resulting period leading up to its closure today, I think that would go a long way in justifying your timeline in our preamble for a refuel/retire date.

Take care, and I look forward to further communication.

Best,
-Richard

==========
Richard J. Benware, U.S. EPA-Office of Water
Steam Electric ELG Team Leader
William Jefferson Clinton-West, 6231-P
Phone: 202-566-1369; Fax: 202-566-1053
Email: benware.richard@epa.gov
1200 Pennsylvania Ave, NW; Mail Code 4303T
Washington, DC 20460
==========

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/6/2018 2:54:46 AM
To: Cannon, Jesse [jesse.cannon@[redacted]
Subject: RE: Addendum, Santee Cooper Response

Good evening, Jesse –

Thanks for your note and I definitely will schedule a call for us in the near future. And if we subsequently decide face-to-face will be more productive, I'm sure I can track down some travel money to get down to your area.

My apologies for redundant request for the password. There's been a small breakdown in communication among my team over the last few days, due to the government closure last Friday due to storm conditions (I really think that was unnecessary!) and me being out on travel since yesterday.

I'll be in touch soon, but feel free to contact me anytime should you have any questions.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@santeecooper.com]
Sent: Monday, March 05, 2018 5:21 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: Addendum, Santee Cooper Response

Ron,
I'd be happy to participate in any call you set up. Thanks again for your advice and willingness to provide an extension to the information request.
Thanks again,
Jesse

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o) 843-761-8000, e[redacted] (e) jesse.cannon@[redacted]
santee cooper

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Friday, March 02, 2018 8:07 AM

To: Cannon, Jesse
Subject: [EXTERNAL SENDER] RE: Addendum, Santee Cooper Response

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Good morning,

Thank you for forwarding the additional files. Six files were received. Also, the password you sent yesterday worked to allow access to the encrypted flash drive.

I appreciate your efforts providing the information. In addition, I'd like to remind you that EPA is always interested in hearing feedback from stakeholders about changes that should be considered. It would be helpful for me to hear your views on the requirements in the 2015 Rule for FGD wastewater and bottom ash transport water – specifically, what aspects you think EPA got right and any modifications may be appropriate. Perhaps we could set up a call sometime in the next few weeks. Let me know if you're interested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]]
Sent: Thursday, March 01, 2018 4:23 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Hood, Jane <jane.hood@[redacted]; Williams, Pamela <pamela.williams[redacted]>
Subject: Addendum, Santee Cooper Response

Dear Mr. Jordan,

We received the attached information from WorleyParsons after our response was submitted, so we're providing it here as an addendum. These cost estimates are responsive to Item D (bids and cost estimates from engineering firms) from your information request letter. A brief description follows.

- Winyah Attachments 1 & 2 - WorleyParsons estimated installation costs of a "complete package" supporting the FGD wastewater treatment systems that included foundations, piping, etc., but not electrical. Attachment 1 is the overall cost summary and includes markups such as material takeoff allowances, contractor markup on material costs, and overall contingency. This is the source of the $45 million total installed cost estimate provided in UWAG's April 13, 2017 letter to EPA, in which UWAG provided supplemental information in support of its petition to reconsider and administratively stay the ELG rule. Please see Section IV of the attachment to the UWAG letter. Attachment 2 includes detail to represent the bare construction costs, including direct material costs and labor costs (direct and indirect). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cost and are only included in the cost summary file.

- Winyah Attachments 3 & 4 – WorleyParsons prepared a cost estimate for FGD wastewater treatment design and procurement by mechanical equipment packages – this estimate does not include construction costs to install. WorleyParsons included a 10% contingency on the summary (Attachment 3) that is not included in the details (Attachment 4). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cos and are only included in the cost summary file.
- Cross Attachments 1 & 2 - WorleyParsons did not prepare a "complete package" installation estimate for Cross, only design and procurement by mechanical equipment packages. These estimates are similar to WGS attachments 3 & 4 and do not include construction costs to install, but since the design and procurement costs are similar to Winyah, the same total installed cost estimate ($45 million) was assumed.

None of these estimates include extra site work and equipment and facility relocations associated with brownfield work, escalation (note the estimates are from 2016), sales taxes (8% of material costs), Santee Cooper's internal costs to manage these projects, or costs for an outside engineering firm to engineer and manage construction.

Please let me know if you have any questions or concerns.

Sincerely,

Jesse Cannon

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o) 843-761-8000, [redacted] (e) jesse.cannon@[redacted]

santee cooper

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WARNING – This e-mail message originated outside of Santee Cooper.
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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/2/2018 1:07:28 PM
To: Cannon, Jesse [jesse.cannon@[redacted]
Subject: RE: Addendum, Santee Cooper Response

Good morning,

Thank you for forwarding the additional files. Six files were received. Also, the password you sent yesterday worked to allow access to the encrypted flash drive.

I appreciate your efforts providing the information. In addition, I'd like to remind you that EPA is always interested in hearing feedback from stakeholders about changes that should be considered. It would be helpful for me to hear your views on the requirements in the 2015 Rule for FGD wastewater and bottom ash transport water – specifically, what aspects you think EPA got right and any modifications may be appropriate. Perhaps we could set up a call sometime in the next few weeks. Let me know if you're interested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]
Sent: Thursday, March 01, 2018 4:23 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Hood, Jane <jane.hood@[redacted]; Williams, Pamela <pamela.williams@[redacted]>
Subject: Addendum, Santee Cooper Response

Dear Mr. Jordan,

We received the attached information from WorleyParsons after our response was submitted, so we're providing it here as an addendum. These cost estimates are responsive to Item D (bids and cost estimates from engineering firms) from your information request letter. A brief description follows.

- Winyah Attachments 1 & 2 - WorleyParsons estimated installation costs of a "complete package" supporting the FGD wastewater treatment systems that included foundations, piping, etc., but not electrical. Attachment 1 is the overall cost summary and includes markups such as material takeoff allowances, contractor markup on material costs, and overall contingency. This is the source of the $45 million total installed cost estimate provided in UWAG's April 13, 2017 letter to EPA, in which UWAG provided supplemental information in support of its petition to reconsider and administratively stay the ELG rule. Please see Section IV of the attachment to the UWAG letter. Attachment 2 includes detail to represent the bare construction costs, including direct material costs and labor costs (direct and indirect). WorleyParsons typically calculates markups based on total

bare construction costs, hence they are not part of the detail file cost and are only included in the cost summary file.

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Please let me know if you have any questions or concerns.

Sincerely,

Jesse Cannon

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o) 843-761-8000, [redacted] · (e) jesse.cannon@[redacted]

santee cooper

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/21/2018 11:56:35 AM
To: Wilson, Jeff [JLWILSON@[redacted]
Subject: RE: Vendor test reports

Hi Jeff,

We received the Miller report, but not the Bowen Frontier report. Would be great if you can pass that along to us.

Thanks, and have a great weekend. I was disappointed that we weren't able to meet up at the IWC a few weeks ago.
Ron

From: Wilson, Jeff <JLWILSON@[redacted]
Sent: Tuesday, November 20, 2018 3:53 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: Vendor test reports

This is news to me. I thought you had everything. What is it you are looking for the Miller Frontier report? Or the Bowen Frontier report?

From: Jordan, Ronald <Jordan.Ronald@epa.gov>
Sent: Tuesday, November 20, 2018 2:20 PM
To: Wilson, Jeff <JLWILSON@[redacted]
Subject: Vendor test reports

This email has been sent from an external address. Please use caution when clicking on links or opening attachments.

Good afternoon Jeff,

Thank you for your efforts working with Donna Hill to provide EPA with the vendor report for a pilot test operated at a Southern Company site from May 2017 until December 2017. As you are aware, technical reports provide valuable insight to test conditions and the quality of the data collected. This test is the source for one set of data that, in a meeting on June 6, you and your colleagues asserted EPA should consider using to calculate revised effluent limitations for FGD wastewater discharges from steam electric power plants. In that same meeting, you asserted that EPA should also use data from a test conducted at another Southern Company site from October 2016 until December 2017. EPA requested the vendor reports for both of these pilot tests during a call with Donna Hill, but to date only one of the reports has been received. I'm asking for your assistance in providing EPA with the report for the Oct 2016 – Dec 2017 pilot test.

In the October 16, 2018 letter forwarding the May-Dec 2017 test report to EPA, Southern Company stated that the report was being provided "in response to a specific request made by Mr. Ron Jordan to Ms. Donna Hill (Southern Company Services) for the Report because doing so furthers the parties' mutual goal of developing revised effluent limitations for FGD wastewater based on sound science and technologies that are available to

the steam electric power industry." Since you participated in the meeting where Southern Company recommended using both data sets for calculating revised effluent limitations, I'm sure you recognize that the report for the Oct 2016 - Dec 2017 test would be useful to EPA.

Your assistance with this matter is greatly appreciated.
Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Molly McEvoy [Molly.McEvoy@erg.com]
Sent: 11/2/2017 2:19:39 PM
To: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Pre-SV call notes
Attachments: GA_AL Pre-Site Visit Notes_110217_to EPA.DOCX

Hi Ron,

We have made several revisions to the Pre-site visit notes since the call with Southern. Please find the revised notes attached to this email. Please let me know if you would like us to make any additional revisions to these notes or have any questions.

Thanks,
Molly

From: Deborah Bartram
Sent: Sunday, October 29, 2017 3:45 PM
To: jordan.ronald@epa.gov
Cc: Molly McEvoy <Molly.McEvoy@erg.com>; Deborah Bartram <Deborah.Bartram@erg.com>
Subject: Pre-SV call notes

Ron,
We put together some brief notes in advance of tomorrow's call with Southern. See attached.
Deb

Message

From: Prabhu Dayal [pdayal@[redacted]
Sent: 2/11/2018 11:10:13 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Veney, April [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4628dc86edfa42078d621e51da1d2b56-Veney, April]
CC: EUEC Info [info@e[redacted]
Subject: Ron Jordan has registered for 21st Annual Energy, Utility & Environment Conference: EUEC 2018
Attachments: 2018EUEC-Brochure.pdf

Dear Ron,
I would like to welcome you to EUEC, and hope we can make it rewarding for the EPA team coming to EUEC.
As you probably know Reid Harvey will be in our Keynote speaker from EPA, at this year's EUEC 2018 in San Diego, California.
As we have six people from EPA headquarters attending EUEC this year, we would like to offer a free furnished exhibit booth for EPA, and another for CAMD and AQMD.
The Booth is furnished with tables and chairs and carpeted. It need not be manned, but you have the booth to use as you please and available for EPA to utilize to place your brochures and any material.

Please let me know if you need anything? Have you made your hotel reservations? As there are hotels with Government rates?

Let me know if you would like to be included in the program?

Thank you.
Prabhu

With best regards,
Prabhu Dayal, PhD, P.E.
Chairman, EUEC
info@[redacted]
Phone[redacted]
21st Annual EUEC Conference Co-located with Clean Car Expo

USA's Largest
EUEC2018
Energy, Utility & Environment Conference
March 5-7 | San Diego, CA
2,000 ATTENDEES – 400 SPEAKERS – 200 EXHIBITS
HOME | BROCHURE | SPEAK | EXHIBIT | REGISTER

From: Cvent Notifications [mailto:info@[redacted]
Sent: Thursday, February 8, 2018 8:21 AM
To: Prabhu Dayal <pdayal@[redacted]>
Subject: Ron Jordan has registered for 21st Annual Energy, Utility & Environment Conference: EUEC 2018

The details of Ron Jordan's registration are below.

Contact Information

First Name:	Ron
Last Name:	Jordan
Email Address:	jordan.ronald@epa.gov
CC Email Address:	Veney.April@epa.gov
Company:	EPA
Title:	Environmental Engineer
Work Address:	USEPA 1200 Pennsylvania Ave NW - Room 6233W Washington, DC 20460 USA
Work Phone:	202-566-1003

Event Information

Code:	[redacted]
Title:	21st Annual Energy, Utility & Environment Conference: EUEC 2018
Date:	03/05/2018
Time:	7:00 AM

Ron Jordan [jordan.ronald@epa.gov] [GXNS5JV7J6S]

Product Name	Product Code	Product Type
EUEC 2018 Registration	EUEC 2018 Registration	Admission Item

Invitee Information

Registration Type:	Government

Order Summaries

Date	Type	Amt Ordered	Amt Paid	Amt Due
02/08/18 10:20 AM	online order	$795.00	$795.00	$0.00
	Total:	**$795.00**	**$795.00**	**$0.00**

Payment Details

Date	Type	Reference #	Payment Amt	Transaction Status	Transaction ID
02/08/18	Visa	1530	$795.00	Accepted	[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/25/2018 1:10:55 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: signed letters and notes for vendor meetings
Attachments: Mitsubishi letter_signed.pdf; Draft Mitsubishi Meeting Notes_2018.01.09_EPA edits.DOCX; Heartland letter_signed.pdf; Babcock letter_signed.pdf; Draft Babcock Power Meeting Notes_2017.12.12_EPA edits.DOCX; Attachment 1 -Draft Heartland Water Technology Meeting Notes_01032018_EPA edits.doc

All of the vendor notes have track changes, so make sure you accept changes before sending to the companies.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Ashwin Thakkar [thakkara@[redacted]
Sent: 1/17/2018 3:41:19 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Alan Daza [dazaa@[redacted]; Daniel Bjorklund [Bjorklundd@[redacted]
Subject: RE: meeting with EPA
Attachments: EPA Presentation (Jan 17, 2018).pdf

Ron,

See attached a copy of our presentation per your request.

Regards,
Ashwin
Cell: [redacted]

From: Ashwin Thakkar
Sent: Wednesday, January 17, 2018 4:33 AM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Cc: Alan Daza <dazaa@[redacted]; Daniel Bjorklund <Bjorklundd@[redacted]
Subject: RE: meeting with EPA

Ron,

Just FYI... our Al Daza (VP- Sales) and Dan Bjorklund (VP – ICD, Technologies) are already in Washington (copied above). So, in worst case scenario that you can't change the meeting time, they can still attend in person in your office and I could join via Phone. Let me know.

Regards,
Ashwin
Cell: [redacted]

From: Ashwin Thakkar
Sent: Wednesday, January 17, 2018 4:23 AM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Cc: Alan Daza <dazaa@[redacted]; Daniel Bjorklund <Bjorklundd@[redacted]
Subject: RE: meeting with EPA

Ron,

Good Morning!

My flight this morning has been cancelled (I was scheduled to land ~9am) , they have rebooked me such that I will land at Washington Raegan (DCA) at 12:15 pm.
Is it possible for you to delay the meeting by 1 or 1:30 hrs (i.e. start at 1 or 1:30 pm instead of 12 pm?).

It's too early in the morning (when I am sending this email), so I will call you ~7:30 -8am to check with you. Meanwhile, if you see this email...please reply.

Regards,
Ashwin
Cell: [redacted]

From: Ashwin Thakkar
Sent: Thursday, January 4, 2018 12:55 PM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Subject: RE: meeting with EPA

That's correct Ron.
Happy New Year!

Regards,
Ashwin
Cell: [redacted]

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Thursday, January 4, 2018 12:54 PM
To: Ashwin Thakkar <thakkara@[redacted]
Subject: meeting with EPA

Happy New Year!
There was so much going on with the scheduling of our meeting that I want to confirm I got everything right on my calendar. I have us meeting at noon on the 17th. Can you confirm that?

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

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Message

From: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Sent: 2/14/2018 4:15:38 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: 2014 IWC Papers
Attachments: IWC 14-52.pdf; IWC 14-58.pdf; IWC 14-59.pdf

Ron:

Attached are the IWC papers 14-52, 14-58, and 14-59.

Thanks!
Liz

Elizabeth A. Gentile
Environmental Engineer
Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151
elizabeth.gentile@erg.com
Phone: 484-364-4481

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 10/31/2018 12:49:05 PM
To: Danielle Stewart [Danielle.Stewart@erg.com]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: Frontier pilot at TVA Kingston
Attachments: TVA Kingston SWCW 060118 rev8.pdf

Danielle,

See the attached presentation describing the Frontier pilot at TVA Kingston. Effluent data are shown on p.13. Note that values shown as zero on the plot are actually non-detect at QL of 0.56 (i.e., the minimum value for the measured range, as shown on the plot).

Please add the presentation to the record.

Message

From: Goldberg, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6A00911315F0454F96207F58253F0E41-GOLDBERG, M]
Sent: 3/1/2018 1:40:43 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: FW: ELG discussion with Veolia
Attachments: FGD ZLD for US EPA-1March2018 - Rev0-Early distribution-redact.pdf

For today

From: Nicholson, Mark [mailto:mark.nicholson@[redacted]
Sent: Wednesday, February 28, 2018 5:09 PM
To: Goldberg, Michael <Goldberg.Michael@epa.gov>
Cc: Michael Pudvay <michael.pudvay@v[redacted]>
Subject: Re: ELG discussion with Veolia

Hello Michael,

Please find the attached advanced copy for tomorrows meeting. I deleted the last 10 slides as they have the potential to be confidential. The resulting slides attached are pretty general. We can discuss distribution of the full presentation tomorrow, as well as any further data you would like to see.

This email will be slightly more than 10 MB, so I'm hopeful that it goes through our security firewall.

Looking forward to tomorrow's discussion.

Mark Nicholson, P.E.

HPD Evaporation and Crystallization

Veolia Water Solutions & Technologies

+1 (815) 609-2242 Office

[redacted] Cell

mark.nicholson@[redacted]

www.veoliawaterstna.com

Ashley

From: Jeanne VanBriesen [mailto:jeanne@[redacted]
Sent: Tuesday, August 7, 2018 11:53 AM
To: Allen, Ashley <Allen.Ashley@epa.gov>
Subject: Request clarification regarding EPA's previous analyses

Hi Ashley:

We are working with a list of plants that have wet FGD systems (based on the 2016 EIA data from form 860). Our total is 140 plants.

We find 102 of these plants with a listed receiving water in the Water Quality Modeling Memo dated 2015 (DCN SE04538). However, reviewing the Water Quality Modeling Memo dated 2013 (DCN SE03573), we find a difference. There are 18 wet FGD plants with a listed receiving water in 2013 that are NOT listed in the later report in 2015. It is not clear why these plants were included in 2013 but removed for the 2015 memo. It is not clear if ERG/EPA determined these plants do not have active discharges to receiving waters or if there was another reason these were removed from the updated memo. Some, but not all, of the removed plants were on the list of "having or planning to have ZLD" in the Current and Future Industry Profile (DCN SE00444). [Similar discrepancies exist for total number of plants, but we are focused only on those with wet FGD systems.]

Can you confirm WHY these plants were removed from the Table in Attachment 2 of the memo that identifies receiving waters? Can you confirm that these plants are NOT discharging FGD associated wastewater to receiving waters? On what basis was the confirmation of no discharge made.

Related to this, in the Technical Development Document, p. 6-5 notes that 100 plants are discharging wet FGD wastewater (Table 6-2), but p. 7-1 says there are 139 plants generating wet FGD wastewater and 88 of them are discharging this wastewater after treatment. In the survey, for the field identifying FGD discharges to NPDES outfalls (field name 'dest_treat_purge_NPDES' in the 'FGD_Wastewater_Treatment' table), we see 76 plants identified. These differences within the TDD and between the survey and the TDD and the water quality memos make it difficult to evaluate which plants were included in the original analysis EPA/ERG conducted.

Can you confirm the total number of plants with wet FGD treatment systems and separately the total number of plants with wet FGD discharges that are included in the original analysis? Can you confirm which plants these are? Can you confirm their receiving waters?

Thanks for considering this request for clarification of details in the published reports and memos.

jeanne

Jeanne M. VanBriesen, Ph.D., P.E.
Duquesne Light Company Professor of Civil and Environmental Engineering and Engineering and Public Policy
Director, Center for Water Quality in Urban Environmental Systems (Water QUEST)
Chair, Faculty Organization
Carnegie Mellon University
jeanne@[redacted]
https://www.cmu.edu/cee/people/faculty/vanbriesen.html

Message

From: Grol, Eric J. [Eric.Grol@NETL.DOE.GOV]
Sent: 8/23/2018 2:07:50 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: White, Briggs M. [Briggs.White@NETL.DOE.GOV]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Balash, Peter C. [Peter.Balash@NETL.DOE.GOV]; Shultz, Travis R. [Travis.Shultz@NETL.DOE.GOV]
Subject: RE: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Hi Ron,

Just checking in to touch base and see if things have started to settle a bit on your side, and whether we'd like to set up a call to discuss activities that could be of mutual interest. Also wanted to touch base on possible FGD wastewater ELG revision. If there is an opportunity for us (DOE/NETL) to get involved and lend any technical expertise, that's something we'd probably be interested in doing.

Blue skies today in Pittsburgh, but the air is a little cooler, fall is coming!

Best regards,
Eric

From: Jordan, Ronald <Jordan.Ronald@epa.gov>
Sent: Friday, March 23, 2018 10:16 AM
To: Grol, Eric J. <Eric.Grol@netl.doe.gov>
Cc: White, Briggs M. <Briggs.White@netl.doe.gov>; Benware, Richard <Benware.Richard@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: RE: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Hi Eric,

[redacted]

[redacted]

Regards,
Ron

Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Grol, Eric J. [mailto:Eric.Grol@NETL.DOE.GOV]
Sent: Friday, March 23, 2018 10:01 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: White, Briggs M. <Briggs.White@NETL.DOE.GOV>
Subject: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Hi Ron,

[redacted]

Thanks again,

Eric

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 4/18/2018 2:35:49 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 03/2018 (WA 0-29) - March 2018
Attachments: Invoice 06_2018 March WA 0-29.pdf; TPR 06_2018 March WA 0-29.pdf

ATTENTION: Information contained in this report is ERG privileged and confidential. The contents of this report shall not be duplicated, used, or disclosed in whole or in part without the permission of Eastern Research Group, Inc.

Please find attached the Technical Progress Report (TPR) and invoice for period of March 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Grol, Eric J. [Eric.Grol@NETL.DOE.GOV]
Sent: 6/5/2018 5:58:31 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: White, Briggs M. [Briggs.White@NETL.DOE.GOV]; Shultz, Travis R. [Travis.Shultz@NETL.DOE.GOV]; Gerdes, Kristin J. [Kristin.Gerdes@NETL.DOE.GOV]
Subject: RE: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category
Attachments: NETL_ELG compliance_11May18.pdf

Hi Ron,

It's been a few months since we last spoke, and I thought I'd touch base. Last time we talked, I mentioned we were in the midst of writing a paper on the ELG rule, and technology options for compliance (mostly with respect to selenium limits for FGD wastewater). We've finished that paper, and I thought you may be interested (it's pretty brief).

Hopefully this paper gives some sense for how we try to be mindful of regulatory requirements when thinking about technology R&D. I'd be interested to know your thoughts on the paper, compliments and criticisms alike!

Since this paper was written, EPA has released a brief report on the status of ELG regulations across multiple industries, and I believe the report states that a draft rule for steam electric power generation is expected this December. That update is not reflected in this report. However I hope that this paper demonstrates some level of competency in analyzing technology solutions for regulatory compliance, and ultimately, I'd love for DOE Fossil Energy/NETL to be part of the interagency effort for assisting with the development of the draft rule.

I look forward to talking soon, and please let me know if there's anything we can do!

Best regards,
Eric

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Friday, March 23, 2018 10:16 AM
To: Grol, Eric J. <Eric.Grol@netl.doe.gov>
Cc: White, Briggs M. <Briggs.White@netl.doe.gov>; Benware, Richard <Benware.Richard@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: RE: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Hi Eric,

[redacted]

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Grol, Eric J. [mailto:Eric.Grol@NETL.DOE.GOV]
Sent: Friday, March 23, 2018 10:01 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: White, Briggs M. <Briggs.White@NETL.DOE.GOV>
Subject: Incremental Costs and Pollutant Removals for Final Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Hi Ron,

[redacted]

Anytime you want to have a conversation about the water R&D we're doing and how it may relate to your work, let me know.

[redacted]

Thanks again,

Eric

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 6/19/2018 6:38:17 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 05/2018 (WA 0-29) - May 2018
Attachments: Invoice 08_2018 May WA 0-29.pdf; TPR 08_2018 May WA 0-29.pdf

ATTENTION: Information contained in this report is ERG privileged and confidential. The contents of this report shall not be duplicated, used, or disclosed in whole or in part without the permission of Eastern Research Group, Inc.

Please find attached the Technical Progress Report (TPR) and invoice for period of May 2018.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Regina Rodriguez [r.rodriguez@[redacted]
Sent: 12/3/2018 4:47:19 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: David Mazyck [d.mazyck@[redacted]
Subject: Re: UCC/Carbonxt Presentation: 30 May 2018
Attachments: Carbonxt1.png; ATT00001.htm; 3. carbonxt presentation.pptx; ATT00002.htm

Hi Ron,

I hope this email finds you well. When we met in May we discussed the upcoming testing trials for removing CaBr from the air phase to remove Hg in the scrubber.

I wanted to share with you the presentation I gave this morning to the Air phase MATS team at EPA at the Research Triangle. I have included liquid phase removal specific to the ELGs in the summary and think it will be beneficial to your efforts.

I cannot comment on a recent trial, but we demonstrated Hg capture within the WFGD without halogen addition to the coal.

Please let me know if you or your team have any interest in the upcoming weeks to meet and discuss our findings and the technology.

Best regards,

Regina Rodriguez, Ph.D.

Carbonxt | Chief Operating Officer
3951 NW 48th Terrace, Suite 111
Gainesville, FL 32606
(W) 352-378-4950 | (C)[redacted]
www.carbonxt.com/

Message

From: Teresa Medley [Teresa.Medley@erg.com]
Sent: 12/15/2017 7:03:56 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Teresa Medley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb4e0e945]
Subject: OWEAD TPR/Invoice for Contract EP-C-17-041 - Pd 11/2017 (WA 0-29) - November 2017
Attachments: Invoice 02_2017 November WA 0-29.pdf; TPR 02_2017 November WA 0-29.pdf

ATTENTION: Information contained in this report is ERG privileged and confidential. The contents of this report shall not be duplicated, used, or disclosed in whole or in part without the permission of Eastern Research Group, Inc.

Please find attached the Technical Progress Report (TPR) and invoice for period of November 2017.

If you have any issues regarding the electronic formatting of this report.

Regards,

Teresa A. Medley, Project Assistant
Eastern Research Group, Inc.
14555 Avion Parkway, Ste, 200
Chantilly, VA 20151-1102
Phone: (703) 633-1655
Fax: (703) 263-7281
teresa.medley@erg.com

Message

From: Frank, Stephen [Stephen.Frank@[redacted]
Sent: 3/9/2018 5:56:17 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Jacklin, Mark J [Mark.Jacklin@genon.com]
Subject: ELG Information Collection Request
Attachments: Key ELG ICR 2.26.18.pdf

Ron,

We submitted information related to EPA's request from Conemaugh Generating Station, Keystone Generating Station and Chalk Point Generating Station to the following address:

Mr. Robert K. Wood
Director, Engineering and Analysis Division
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 4303T
Washington, DC 20460

However, Keystone's package that was shipped via UPS was returned today citing the lack of a suite number. It appears that Conemaugh's package was received, as well as, Chalk's package that were shipped via USPS.

We did not have any data associated with the Keystone submittal. Therefore, I have attached our submittal to this email.

Please let me know if you require a hardcopy in the mail, and we will send the package out via USPS. Also, please don't hesitate to contact me with any questions.

Regards, Steve

GenOn

Stephen M. Frank, PE (Pa)
Senior Manager, Environmental
[redacted]

Please send all mail directly to the generating station. The Southpointe Canonsburg Office is closed.

Note: The information contained in this e-mail and any accompanying documents may contain information that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message, including any attachments. Any dissemination, distribution or other use of the contents of this message by anyone other than the intended recipient is strictly prohibited.

Message

From: Molly McEvoy [Molly.McEvoy@erg.com]
Sent: 1/8/2018 6:36:28 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: Draft Site Visit Notes - Sutton
Attachments: Attachment 1 - Sutton Ash Basin Closure Presentation.pdf; Attachment 2 - Sutton Pironox Presentation.pdf; Attachment 3 - Sutton Site Visit Photos.pdf; Sutton Site Visit Notes_2018.01.08.docx

Ron,

Attached, please find draft site visit notes for the Dec. 12, 2017 visit to Duke Energy's Sutton Plant. I've also attached PDF versions of the two Sutton PowerPoint presentations Nathan Craig provided as well as site visit photos. Please let me know if you have any questions as you review the notes and attachments.

Thanks,
Molly

Molly McEvoy
Environmental Engineer
Eastern Research Group, Inc. (ERG)
Molly.McEvoy@erg.com
Office: (703) 633-1643
Cell: (716) 471-9713

Message

From: Deborah Bartram [Deborah.Bartram@erg.com]
Sent: 1/18/2018 8:36:52 PM
To: Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: FW: Presentation
Attachments: Meeting with Ron Jordan - Richmond VA - 18Jan18.pdf

---

From: Owens, Mark [mailto:Mark.Owens@[redacted]
Sent: Thursday, January 18, 2018 2:44 PM
To: Deborah Bartram <Deborah.Bartram@erg.com>
Subject: Presentation

Deb,

Such a pleasure to see you today. I'll trade the presentation for the list of attendees…

Thanks!

Mark Owens, PE
Senior System Solutions Manager
Water Technologies & Solutions

Tel: +1 804 756-7618
Mob: +1[redacted]

SUEZ

8007 Discovery Drive
Richmond, VA 23229
www.suezwatertechnologies.com

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 9/27/2018 12:03:53 PM
To: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
Subject: Jenkins report
Attachments: comments related to Jenkins report.docx

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 7/23/2018 10:15:34 PM
To: Deborah Bartram [Deborah.Bartram@erg.com]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Morin, Isabelle [Isabelle.Morin@icf.com]
CC: Covington, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37b66364a2a84cf494c686173ee51f53-JCOVIN02]
Subject: steam electric - draft material for AA
Attachments: Supplemental Steam Electric ELG Briefing for Dave Ross_7_23_2018.pptx

Latest version of the materials prepared for an upcoming meeting with the AA…not yet scheduled

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 7/20/2018 12:50:27 AM
To: Morin, Isabelle [Isabelle.Morin@icf.com]
CC: Covington, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37b66364a2a84cf494c686173ee51f53-JCOVIN02]
Subject: FW: Draft Supplemental Scoping Briefing for Steam
Attachments: Supplemental Steam Electric ELG Briefing for Dave Ross_7_19_2018toRob.pptx

Hi Isabelle,

Forwarding the attached presentation since James is out of the office. This is just fyi…trying to keep you in the loop

---

From: Matuszko, Jan
Sent: Thursday, July 19, 2018 8:56 AM
To: Wood, Robert <Wood.Robert@epa.gov>
Cc: Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Covington, James <Covington.James@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Chen, Jimmy <Chen.Jimmy@epa.gov>
Subject: Draft Supplemental Scoping Briefing for Steam

Rob,

Attached is the draft briefing package that we plan to use on Monday for the pre-brief with Deborah. Please let us know today if you think we need to edit anything before Monday.

Jan

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 7/19/2018 6:03:18 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Ryan Novak [Ryan.Novak@erg.com]
Subject: bottom ash data
Attachments: UWAG issues re BA database_ERG_rj.xlsx

See column G of the attached file. Happy to discuss when you're ready

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 7/19/2018 5:18:51 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: Draft Supplemental Scoping Briefing for Steam
Attachments: Supplemental Steam Electric ELG Briefing for Dave Ross_7_19_2018toRob.pptx

---

From: Matuszko, Jan
Sent: Thursday, July 19, 2018 8:56 AM
To: Wood, Robert <Wood.Robert@epa.gov>
Cc: Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Covington, James <Covington.James@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Chen, Jimmy <Chen.Jimmy@epa.gov>
Subject: Draft Supplemental Scoping Briefing for Steam

Rob,

Attached is the draft briefing package that we plan to use on Monday for the pre-brief with Deborah. Please let us know today if you think we need to edit anything before Monday.

Jan

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 6/15/2018 10:40:39 AM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: FW: Revised Steam Electric ELG Briefing
Attachments: 2018_06_14_Steam Electric ELG Option Selection DRAFT.PPTX

fyi

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 6/14/2018 6:55:30 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: briefing package for June 13 meeting with Deborah Nagle
Attachments: 2018_06_11_Steam Electric ELG Option Selection DRAFT.PPTX

DELIBERATIVE –

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 6/27/2018 11:35:57 AM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: Record document: Duke Energy meeting with EPA management
Attachments: Overview of Duke Energy Position on the ELG Rule 6_26_18.pdf

---

From: Campbell, Ann
Sent: Wednesday, June 27, 2018 7:08 AM
To: Nagle, Deborah <Nagle.Deborah@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Duke Energy Meeting with AA Ross

Folks, yesterday Duke Energy came in to meet with Lee and Anna. Attached is their presentation.

Ann Campbell
Chief of Staff (acting)
Office of Water

Begin forwarded message:

> **From:** "Ghanta, Venu G" <Venu.Ghanta@[redacted]
> **Date:** June 25, 2018 at 4:40:26 PM EDT
> **To:** "Campbell, Ann" <Campbell.Ann@epa.gov>
> **Cc:** "Penman, Crystal" <Penman.Crystal@epa.gov>
> **Subject: RE: Tomorrow's Meeting with AA Ross**
>
> Hi Ann-
>
> Can you please replace the prior version with this one?
>
> Thanks, Venu

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 6/14/2018 11:17:57 AM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: FW: Electronic copy of files from May 30 meeting
Attachments: 20180530 ELG Bromide Slides Nonpublished Removed.pdf; 201705_Bromide_Resources.pdf

---

From: Benware, Richard
Sent: Wednesday, June 13, 2018 2:06 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Chen, Jimmy <Chen.Jimmy@epa.gov>
Subject: FW: Electronic copy of files from May 30 meeting

From: Adam Carpenter [mailto:acarpenter@[redacted]
Sent: Wednesday, June 13, 2018 2:04 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Electronic copy of files from May 30 meeting

Hello Richard:

I just realized that although we let many paper copies of both of these, I may not have provided you an electronic copy.

Sincerely,

Adam Carpenter
Manager - Energy and Environmental Policy
American Water Works Association
Direct 202 326.6126 | **Cell** [redacted]
acarpenter@[redacted] | www.awwa.org
Linked profile

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/23/2018 5:30:17 PM
To: Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: FW: Request for cost information -- FGD treatment
Attachments: EPA Cost Memorandum 042018.pdf

From: Tim Pickett [mailto:timpickett@[redacted]
Sent: Monday, April 23, 2018 8:34 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Re: Request for cost information -- FGD treatment

Ron,

Cost Memorandum for the Frontier Water System's SeHAWK -FGD bioreactor system is attached. Please give me a call or email with any questions.

Regards,

Tim Pickett

Tim Pickett
Co-Founder and Chief Technology Officer

FRONTIER WATER SYSTEMS

D [redacted]
8 East Broadway, Suite 330, Salt Lake City, UT 84111
www.FrontierWater.com

From: Ron Jordan <Jordan.Ronald@epa.gov>
Date: Friday, March 30, 2018 at 6:32 AM
To: Tim Pickett <timpickett@[redacted]>
Subject: Request for cost information -- FGD treatment

Good morning,

As you know, EPA is evaluating possible revisions to the effluent guidelines for flue gas desulfurization (FGD) wastewater, which were previously issued in 2015. The information you provided in past discussions has been helpful

for understanding the operation and capabilities of your technology for treating FGD wastewater. We'd like to request more detailed information that we can use to estimate the capital and O&M costs for individual plants to comply with the 2015 rule or any revised ELG requirements. Your response to this request is voluntary; however, your input is valued and we strongly encourage your participation. The attached letter describes the cost elements and additional information we seek.

The information you provide will aid EPA's assessment of the treatability of FGD wastewater. We're moving under a more abbreviated schedule to expedite this rulemaking, so **please provide the requested cost and system design information by April 16, 2018.** Do not hesitate to contact me if you have any questions about this request (jordan.ronald@epa.gov or 202-566-1003). We appreciate your continued interest in EPA's efforts to protect the environment and thank you in advance for your participation.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Appointment

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/9/2018 12:43:42 PM
To: Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [Danielle.Lewis@erg.com]

Subject: FW: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
Attachments: ATT00001.htm; EUEC I5.2 FO for FGD to meet ELG.pdf; c073415.ics

Start: 5/1/2018 3:00:00 PM
End: 5/1/2018 4:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fabian Solberg/Eisenmann/US [mailto:Fabian.Solberg@[redacted]]
Sent: Monday, April 09, 2018 8:36 AM
To: Fabian Solberg/Eisenmann/US; Jordan, Ronald; margarita.luis@[redacted]; Vijay Suri/Eisenmann/US; yurong.li@[redacted]
Cc: Larry Hudson/Eisenmann/US
Subject: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
When: Tuesday, May 01, 2018 10:00 AM-11:00 AM Central.
Where:

Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview

05/01/2018 -

No Location Information

Fabian Solberg has invited you to a meeting. You have not yet responded.

Required: jordan.ronald@epa.gov, margarita.luis@[redacted] Vijay Suri/Eisenmann/US@EISENMANN, yurong.li@[redacted]

Optional: Larry Hudson/Eisenmann/US@EISENMANN

Description

(See attached file: EUEC I5.2 FO for FGD to meet ELG.pdf)

-- Do not delete or change any of the following text. --

JOIN WEBEX MEETING
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Show global numbers:
https://www.tcconline.com/offSite/OffSiteController.jpf?cc=[redacted]
Conference Code: [redacted]

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/19/2018 2:25:09 AM
To: Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Ryan Novak [Ryan.Novak@erg.com]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]
Subject: FW: April 18 Meeting PowerPoint
Attachments: EPA Presentation -Apr 2018 - rev 2.pdf

From: Craig, Nathan D [mailto:Nathan.Craig@[redacted]
Sent: Wednesday, April 18, 2018 3:06 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: April 18 Meeting PowerPoint

See attached presentation.

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O:[redacted] | nathan.craig@[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 5/30/2018 6:04:18 PM
To: Ryan Novak [Ryan.Novak@erg.com]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: UCC/Carbonxt Presentation: 30 May 2018
Attachments: UCC Industry Update - WTD Conversions 053018.pdf

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 5/8/2018 11:19:56 AM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: FTS-Eisenmann OsmoBC Presentation
Attachments: Power ELG Brochure.pdf; EUEC I5.2 FO for FGD to meet ELG.pdf

I think we forwarded these, but don't recall

From: fabian.solberg@[redacted] [mailto:fabian.solberg@[redacted]
Sent: Tuesday, May 01, 2018 12:25 PM
To: Goldberg, Michael <Goldberg.Michael@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: margarita.luis@[redacted] yurong.li@[redacted] vijay.suri@[redacted]
Subject: FTS-Eisenmann OsmoBC Presentation

Dear Ron and Michael,

Thank you again for attending the call today and please find attached our Power ELG brochure and the presentation we showed you, which was also presented at the EUEC conference earlier this year in San Diego so it is already public information.

As we discussed, we are open to talking to US power companies about running additional bench scale tests with the aim to step this up to a pilot scale test later in 2018. If you have any contacts that you can introduce us to, that would be greatly appreciated.

Look forward to staying in touch and in the meantime, if you think of anything else please contact Margarita and myself.

Regards,
Fabian Solberg

Sales Manager - CPI
Environmental Technology
EISENMANN Corporation USA

150 East Dartmoor Drive
Crystal Lake, IL 60014

Cell: +[redacted]

eMail: fabian.solberg@[redacted]
Internet: www.eisenmann.us.com

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WEFTEC – Booth # 4951	Oct 1-3 in New Orleans, LA
IWC	Nov 5-6 in Scottsdale, AZ
Specialty and Custom – Booth # 217	Feb 11-13 in Fort Worth, TX
EUEC	Feb 25-27 in San Diego, CA

EISENMANN

Fabian Solberg
Eisenmann Corporation
Sales

EN Corporation USA
150 East Dartmoor Drive • Crystal Lake, IL 60014 • USA
Phone +1[redacted]
E-Mail Fabian.Solberg@[redacted]

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From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/29/2018 10:54:35 PM
To: Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: FW: Cost Memorandum
Attachments: EPA Cost Memorandum 042718.pdf

From: Tim Pickett [mailto:timpickett@[redacted]
Sent: Friday, April 27, 2018 12:15 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Cost Memorandum

Ron,

See attached cost memorandum for Frontier Water's SeHAWK FGD bioreactor equipment package. Please give me a call or email with any questions.

Regards,

Tim Pickett

Tim Pickett
Co-Founder and Chief Technology Officer

FRONTIER WATER SYSTEMS

D[redacted]
8 East Broadway, Suite 330, Salt Lake City, UT 84111
www.FrontierWater.com

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/18/2018 12:13:04 AM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Danielle Lewis [Danielle.Lewis@erg.com]; Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]; Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: bottom ash cost methodology
Attachments: Bottom Ash Cost Methodology Outline_041618_rj.docx

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/17/2018 11:48:14 PM
To: Danielle Lewis [Danielle.Lewis@erg.com]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]; Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: FGD cost methodology
Attachments: FGD CP + ABMet Cost Methodology_Outline_2018.04.16_rj.docx; FGD CP Cost Methodology_Outline_2018.04.16_rj.docx

A few questions about the FGD methodology. Probably easiest if you call me to discuss. I'll be available from 6:30 until 7:45 Wednesday morning, and then not likely until sometime in the afternoon.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 6/11/2018 2:58:36 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: FW: NIPSCO Follow-up from ELG Data Submission Meeting

From: ndernik@[redacted] [mailto:ndernik@[redacted]
Sent: Friday, June 08, 2018 3:22 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: jloewe@[redacted]
Subject: NIPSCO Follow-up from ELG Data Submission Meeting

Richard,

Thanks again for taking some time to meet with us. Below are the suggestions that NIPSCO believes could be a very aggressive, but potentially achievable timeline for retirement/repowering as a means to achieve compliance with the ELG rule, a preferred timeline for the same, and a proposal for operations flexibility with regard to a bottom ash transport water (BATW) systems for units that have installed Dry FGDs.

Retirement/Repowering Timelines

The timeline for the retirement decision process for the two units at Bailly is very simple. It took approximately one year to prepare our Integrated Resource Plan (IRP). Of course, we run that IRP analysis, at a minimum, every three years. Our latest analysis considering a combination of factors, including age and condition of the facility, planned capital maintenance needs, anticipated customer demand, and many others led us to the decision to retire the two units.

After the IRP was finalized and described our plan to retire the two units at Bailly, we filed our attachment-Y filing with our ISO (MISO). That filing is necessary to retire any NIPSCO units in Indiana. The process of filing an attachment-Y (with MISO) can be completed as quickly as within one year.

NIPSCO's challenge regarding the compliance timeline in the ELG rule for retirement/repowering is really related to building of replacement generation, which we think will take five to five and a half years to complete.

NIPSCO believes that the most aggressive, possibly achievable, schedule for retirement/repowering is:

1. (By January 2020) – The rule is finalized by January 2020.

2. (By January 2022) – Two years to complete IRP analysis and allow anticipated litigation of the final rule to conclude.

a. Although an IRP analysis could be completed sooner. The PUC in Indiana (IURC) has demonstrated that it will not authorize proposed capital expenditures until litigation of environmental rules has concluded.

3. (By July 2027) – Five and a half years to permit and build replacement generation.

a. NIPSCO has reached out to another regional utility in an attempt to get an example timeline for a recently built CCGT (one replacement option NIPSCO would consider).

b. A more realistic schedule including some time for litigation as well as negotiations with our stakeholders including our regulatory commission would likely be sometime in 2028 for a retirement/repowering provision in the rule.

NIPSCO further believes that a more reasonable timeline for compliance with the ELG rule would be:

1. (2020 – 2025) Compliance by the BAT identified in the rule

a. FGD wastewater – Chemical Precipitation and Bio Treatment

2. (2026) Voluntary Incentive Program

a. FGD wastewater – Zero Liquid Discharge

3. (2028) Retirement/Repowering

a. Commit to Retirement/Repowering by 2025

Bottom Ash Transport Water Flexibility

The Best Available Technology (BAT) for BATW was identified as zero discharge in the 2015 version of the ELG rule. This rule however recognized the need for discharge from the BATW system and provided a clause the allowed facilities to purge the BATW system through the FGD wastewater system.

The BAT for FGD wastewater has been identified as a combination of chemical precipitation and biological treatment systems. Facilities that eliminate the FGD wastewater waste stream altogether by installing a Dry FGD system far exceeded the identified BAT for treating FGD wastewater. In doing so, these facilities with Dry FGDs have eliminated a necessary means of removing BATW from the system. It would not be appropriate to expect those facilities to introduce a waste stream, BATW, into a Dry FGD that was not designed to manage that type of waste stream.

Therefore, in order to provide flexibility to facilities that have exceeded the BAT expectation identified in the ELG rule for FGD wastewater, with regard to BATW NIPSCO offers the following for consideration.

Facilities with Dry FGDs will be permitted to discharge no more than one BATW system volume, no more than one time per calendar year, to meet low volume waste limits at the facilities final outfall.

Please let me know if you have any further questions regarding any of the above suggestions.

Nick Dernik – Director, Environmental Permitting – NiSource
[redacted]

Thanks again for the opportunity to contribute.

Best Regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
[redacted]

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@[redacted]" <ndernik@[redacted]>,
Date: 06/05/2018 10:21 AM
Subject: RE: Thank You

Nick,

I'll see what other folks' availability is, but I think a lot of people are off Friday, and tomorrow we have a long meeting with Southern Company, so it will be tight. I'll be in touch once I have more of an idea for you.

Best,
-Richard

From: ndernik@nisource.com [mailto:ndernik@nisource.com]
Sent: Tuesday, June 05, 2018 11:10 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Re: Thank You

Richard,

Thank you for giving us the opportunity to come in! We enjoyed the conversation as well. It was very refreshing to have such an open dialog.

I've set a few meetings to follow up on some of the action items from our meeting. I'm meeting with a team to discuss ideas about helpful operational flexibility for our station that has a dry FGD this afternoon. I've also set up a meeting with the team that can best answer your question regarding the timeline for retiring our two units at Bailly Station tomorrow morning. I plan to get something back to you by Thursday morning regarding both issues.

Also, thank you for your vendor list related to the bio systems. I've passed them along to engineers for further investigation.

Would you be available for a call sometime later this week to discuss both the dry FGD unit flexibility and the retirement timeline? I could invite some of our experts on these subjects to answer any questions that may arise from our follow up responses. We could be available anytime Thursday afternoon or Friday.

Best regards.

Nick

Nicholas M. Dernik
Director, Environmental Permitting
NiSource Inc.
(219) 647-6563

From: "Benware, Richard" <Benware.Richard@epa.gov>
To: "ndernik@nisource.com" <ndernik@nisource.com>,
Date: 06/01/2018 12:56 PM
Subject: Thank You

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Nick,

Thank you for meeting with us yesterday. It was clear that you have a great team to work with, and I thought it was a very helpful discussion. I'm certainly glad we blocked off that extra time!

One thing popped into my head this morning as particularly useful, and that would be the timeline for your closure of the Bailly generating station. If you guys could provide the formal documentation (even if they were just excerpts or in a CBI format) for when you made your decision to close Bailly, how long it took to go through your PUC, and the resulting period leading up to its closure today, I think that would go a long way in justifying your timeline in our preamble for a refuel/retire date.

Take care, and I look forward to further communication.

Best,
-Richard

==========
Richard J. Benware, U.S. EPA-Office of Water
Steam Electric ELG Team Leader
William Jefferson Clinton-West, 6231-P
Phone: 202-566-1369; Fax: 202-566-1053
Email: benware.richard@epa.gov
1200 Pennsylvania Ave, NW; Mail Code 4303T
Washington, DC 20460
==========

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/6/2018 2:54:46 AM
To: Cannon, Jesse [jesse.cannon@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Addendum, Santee Cooper Response

Good evening, Jesse –

Thanks for your note and I definitely will schedule a call for us in the near future. And if we subsequently decide face-to-face will be more productive, I'm sure I can track down some travel money to get down to your area.

My apologies for redundant request for the password. There's been a small breakdown in communication among my team over the last few days, due to the government closure last Friday due to storm conditions (I really think that was unnecessary!) and me being out on travel since yesterday.

I'll be in touch soon, but feel free to contact me anytime should you have any questions.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]]
Sent: Monday, March 05, 2018 5:21 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: Addendum, Santee Cooper Response

Ron,
I'd be happy to participate in any call you set up. Thanks again for your advice and willingness to provide an extension to the information request.
Thanks again,
Jesse

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o)[redacted] · (e) jesse.cannon@[redacted]

santee cooper

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Friday, March 02, 2018 8:07 AM
To: Cannon, Jesse
Subject: [EXTERNAL SENDER] RE: Addendum, Santee Cooper Response

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Good morning,

Thank you for forwarding the additional files. Six files were received. Also, the password you sent yesterday worked to allow access to the encrypted flash drive.

I appreciate your efforts providing the information. In addition, I'd like to remind you that EPA is always interested in hearing feedback from stakeholders about changes that should be considered. It would be helpful for me to hear your views on the requirements in the 2015 Rule for FGD wastewater and bottom ash transport water – specifically, what aspects you think EPA got right and any modifications may be appropriate. Perhaps we could set up a call sometime in the next few weeks. Let me know if you're interested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]
Sent: Thursday, March 01, 2018 4:23 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Hood, Jane <jane.hood@[redacted]; Williams, Pamela <pamela.williams@[redacted]
Subject: Addendum, Santee Cooper Response

Dear Mr. Jordan,

We received the attached information from WorleyParsons after our response was submitted, so we're providing it here as an addendum. These cost estimates are responsive to Item D (bids and cost estimates from engineering firms) from your information request letter. A brief description follows.

- Winyah Attachments 1 & 2 - WorleyParsons estimated installation costs of a "complete package" supporting the FGD wastewater treatment systems that included foundations, piping, etc., but not electrical. Attachment 1 is the overall cost summary and includes markups such as material takeoff allowances, contractor markup on material costs, and overall contingency. This is the source of the $45 million total installed cost estimate provided in UWAG's April 13, 2017 letter to EPA, in which UWAG provided supplemental information in support of its petition to reconsider and administratively stay the ELG rule. Please see Section IV of the attachment to the UWAG letter. Attachment 2 includes detail to represent the bare construction costs, including direct material costs and labor costs (direct and indirect). WorleyParsons typically calculates markups based on total

bare construction costs, hence they are not part of the detail file cost and are only included in the cost summary file.

- Winyah Attachments 3 & 4 – WorleyParsons prepared a cost estimate for FGD wastewater treatment design and procurement by mechanical equipment packages – this estimate does not include construction costs to install. WorleyParsons included a 10% contingency on the summary (Attachment 3) that is not included in the details (Attachment 4). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cos and are only included in the cost summary file.
- Cross Attachments 1 & 2 - WorleyParsons did not prepare a "complete package" installation estimate for Cross, only design and procurement by mechanical equipment packages. These estimates are similar to WGS attachments 3 & 4 and do not include construction costs to install, but since the design and procurement costs are similar to Winyah, the same total installed cost estimate ($45 million) was assumed.

None of these estimates include extra site work and equipment and facility relocations associated with brownfield work, escalation (note the estimates are from 2016), sales taxes (8% of material costs), Santee Cooper's internal costs to manage these projects, or costs for an outside engineering firm to engineer and manage construction.

Please let me know if you have any questions or concerns.

Sincerely,

Jesse Cannon

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o) [redacted] (e) jesse.cannon@[redacted]

santee cooper

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/22/2018 1:12:09 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]
Subject: Bottom Ash meeting
Attachments: Bottom Ash - Agenda_03222018.docx; Bottom Ash WTD_rj.DOCX

Agenda for bottom ash meeting is attached. Richard has been reviewing a few things that will likely get woven into the discussion

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/21/2018 1:57:56 PM
To: Timothy W Lohner [twlohner@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: data request letter for FGD wastewater
Attachments: image2018-02-09-154412.pdf

Good morning,

We responded to EPRI on February 9 (see attached letter). As we stated in the letter to Mr. Alley, EPA is not rescinding our request for information and AEP is still obligated to respond to the Section 308 request in full.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Timothy W Lohner [mailto:twlohner@[redacted]
Sent: Wednesday, February 21, 2018 8:45 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: data request letter for FGD wastewater

Ron, Tom Alley of EPRI sent you a letter on February 6 addressing agency access to EPRI reports and the possibility of rescinding your request for the information from the companies who received the 308 letter. Mr. Alley had asked for a response by today.

Can you share what your decision will be? As you might suspect, we are working very hard to meet our March 1 response deadline. If we did not have to provide the EPRI information, it would save us a lot of time.

Thanks!

Tim

AMERICAN ELECTRIC POWER
BOUNDLESS ENERGY

Tim Lohner, Ph.D. | ENVIRONMENTAL SPEC CONSULT
TWLOHNER@[redacted]D:614.716.1255
1 RIVERSIDE PLAZA, COLUMBUS, OH 43215

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Wednesday, January 03, 2018 3:44 PM
To: Timothy W Lohner
Subject: [EXTERNAL] data request letter for FGD wastewater

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments. If suspicious please forward to [redacted] for review.

Tim,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 4/2/2018 12:44:17 AM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [Deborah.Bartram@erg.com]
Subject: FW: TEC BBS Voluntary Bottom Ash Sampling
Attachments: AMB140 TEC BBS Voluntary Bottom Ash Transport Water Sampling.pdf; TEC BBS BA Sampling Information Request.pdf; TEC BBS Bottom Ash Sampling Data 2018.xls

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From: Butler, Amy M. [mailto:AMButler@[redacted]
Sent: Thursday, March 29, 2018 3:29 PM [redacted]
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: TEC BBS Voluntary Bottom Ash Sampling

Ron:

Please find attached the requested information.

Thanks,

Amy M. Butler, PE
Sr. Consulting Engineer
Environmental, Health & Safety

Office: 813-228-4433
Cell:[redacted]
Fax: 813-228-1308

TECO
TAMPA ELECTRIC
AN EMERA COMPANY

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/7/2018 10:00:17 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: Evoqua presentation
Attachments: Evoqua Pironox - EPA Presentation - copy to EPA.pptx

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/20/2018 11:49:01 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]
Subject: RE: Steam ELG: Bottom Ash Options

Importance: High

The weather for Wednesday is looking frightful and Thursday will likely suffer consequences. In fact, the snow may continue into the wee hours of the morning in Philly. If conditions Thursday are bad, these meeting will probably become a conference call – meaning that I (and others) may not come to the office. Will update later on plans…

LIZ – you absolutely ARE NOT to drive to DC if we get measurable snow!!

-----Original Appointment-----
From: Elizabeth Gentile [mailto:Elizabeth.Gentile@erg.com]
Sent: Friday, March 09, 2018 2:15 PM
To: Elizabeth Gentile; Jordan, Ronald; Benware, Richard; Matuszko, Jan; Deborah Bartram; Molly McEvoy
Subject: Steam ELG: Bottom Ash Options
When: Thursday, March 22, 2018 10:00 AM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: EPA

Good afternoon.

Sending out an appointment to reserve time on 3/22 to discuss bottom ash handling technology options. Additional details and an agenda will be provided in the future.

Thank you!
Liz

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:47:16 PM
To: Frank, Stephen [Stephen.Frank@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_NRG Energy_01032018.pdf

Steve,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/14/2018 6:44:30 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: edits to draft notes for vendor meetings
Attachments: MG_Draft Aquatech Meeting Notes_2018.02.15_rj.docx; MG_SE06479A1_Draft Carmeuse Meeting Notes_2018.02.20_rj.docx; MG_Draft SUEZ Meeting Notes_2018.02.14_rj.docx

Redline versions of notes are attached for Suez, Aquatech, & Carmeuse. Please prepare clean versions. Tomorrow I'll forward the signed cover letters for each.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/2/2018 1:07:28 PM
To: Cannon, Jesse [jesse.cannon@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Addendum, Santee Cooper Response

Good morning,

Thank you for forwarding the additional files. Six files were received. Also, the password you sent yesterday worked to allow access to the encrypted flash drive.

I appreciate your efforts providing the information. In addition, I'd like to remind you that EPA is always interested in hearing feedback from stakeholders about changes that should be considered. It would be helpful for me to hear your views on the requirements in the 2015 Rule for FGD wastewater and bottom ash transport water – specifically, what aspects you think EPA got right and any modifications may be appropriate. Perhaps we could set up a call sometime in the next few weeks. Let me know if you're interested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Cannon, Jesse [mailto:jesse.cannon@[redacted]
Sent: Thursday, March 01, 2018 4:23 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Hood, Jane <jane.hood@[redacted]; Williams, Pamela <pamela.williams@[redacted]
Subject: Addendum, Santee Cooper Response

Dear Mr. Jordan,

We received the attached information from WorleyParsons after our response was submitted, so we're providing it here as an addendum. These cost estimates are responsive to Item D (bids and cost estimates from engineering firms) from your information request letter. A brief description follows.

- Winyah Attachments 1 & 2 - WorleyParsons estimated installation costs of a "complete package" supporting the FGD wastewater treatment systems that included foundations, piping, etc., but not electrical. Attachment 1 is the overall cost summary and includes markups such as material takeoff allowances, contractor markup on material costs, and overall contingency. This is the source of the $45 million total installed cost estimate provided in UWAG's April 13, 2017 letter to EPA, in which UWAG provided supplemental information in support of its petition to reconsider and administratively stay the ELG rule. Please see Section IV of the attachment to

the UWAG letter. Attachment 2 includes detail to represent the bare construction costs, including direct material costs and labor costs (direct and indirect). WorleyParsons typically calculates markups based on total bare construction costs, hence they are not part of the detail file cost and are only included in the cost summary file.

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- Cross Attachments 1 & 2 - WorleyParsons did not prepare a "complete package" installation estimate for Cross, only design and procurement by mechanical equipment packages. These estimates are similar to WGS attachments 3 & 4 and do not include construction costs to install, but since the design and procurement costs are similar to Winyah, the same total installed cost estimate ($45 million) was assumed.

None of these estimates include extra site work and equipment and facility relocations associated with brownfield work, escalation (note the estimates are from 2016), sales taxes (8% of material costs), Santee Cooper's internal costs to manage these projects, or costs for an outside engineering firm to engineer and manage construction.

Please let me know if you have any questions or concerns.

Sincerely,

Jesse Cannon

Jesse W. Cannon, P.E., M.S.
Manager · Water Quality
One Riverwood Drive · Post Office Box 2946101, Mail Code A203
Moncks Corner, South Carolina 29461
(o[redacted] · (e) jesse.cannon@[redacted]

santee cooper

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/31/2018 7:50:33 PM
To: Ryan Novak [Ryan.Novak@erg.com]
Subject: RE: are you available for a few profile questions?
Attachments: Industry Profile Summary_2018.01.29_rj.xlsx

From: Ryan Novak [mailto:Ryan.Novak@erg.com]
Sent: Wednesday, January 31, 2018 2:49 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: are you available for a few profile questions?

Yes, I'm at my desk and available. [redacted]

Ryan

Ryan Novak
Ryan.Novak@ERG.com | (703) 633-1668 | LinkedIn

Environmental Scientist | Eastern Research Group, Inc. (ERG)
14555 Avion Parkway, Suite 200
Chantilly, VA 20151

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Wednesday, January 31, 2018 2:43 PM
To: Ryan Novak <Ryan.Novak@erg.com>
Subject: are you available for a few profile questions?

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/25/2018 11:17:31 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Danielle Lewis [Danielle.Lewis@erg.com]
Subject: FW: Thank You Letters & Instructions
Attachments: AEP Thank You Letter.docx; AEP Thank You Letter.pdf; Duke Energy Thank You Letter.docx; Duke Energy Thank You Letter.pdf; Hoosier Energy Thank You Letter.docx; Hoosier Energy Thank You Letter.pdf; NIPSCO Thank You Letter.docx; NIPSCO Thank You Letter.pdf; NRG Thank You Letter.docx; NRG Thank You Letter.pdf; Santee Cooper Thank You Letter.docx; Santee Cooper Thank You Letter.pdf

Liz,

Please include the pdf files in the record.
Thanks!

From: Siddiqui, Ahmar
Sent: Friday, March 23, 2018 1:54 PM
To: Benware, Richard <Benware.Richard@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Wood, Robert <Wood.Robert@epa.gov>
Subject: RE: Thank You Letters & Instructions

Hey Guys,

For your records, attached are all of the edited and signed/scanned letters.

Ahmar

From: Benware, Richard
Sent: Thursday, March 22, 2018 9:50 PM
To: Wood, Robert <Wood.Robert@epa.gov>; Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Thank You Letters & Instructions

Ahmar,

[redacted]

You're a huge help!

Thanks,

-Richard

[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:45:34 PM
To: Lapcevic, Joseph P [jlapcev@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_FirstEnergy_01032018.pdf

Joe,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:43:42 PM
To: Timothy W Lohner [twlohner@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: data request letter for FGD wastewater
Attachments: FGD data request letter_AEP_01032018.pdf

Tim,

Thanks for a few minutes this afternoon to discuss EPA's request for information related to FGD wastewater. See the attached letter, which will be delivered to your corporate contact tomorrow morning.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/23/2018 10:03:43 PM
To: Danielle Lewis [Danielle.Lewis@erg.com]; Danielle Lewis [Danielle.Lewis@erg.com]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Thomas Finseth [Thomas.Finseth@erg.com]
Subject: FW: EPA Final Decision Re. Duke Edwardsport FDF Variance (Electronic Copies of the Transmittal Letter, Decision Document, and Response to Comments)
Attachments: Duke Energy Edwardsport FDF_Cover Letter Final_2018_02_22.pdf; Duke Energy Edwardsport FDF_Final Decision Document_2018_02_22.pdf; Duke Energy Edwardsport FDF_Response to Public Comment_2018_02_22.pdf

fyi

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/31/2018 3:08:20 PM
To: Lon Petts [lpetts@[redacted]
CC: Rob Horton [JHorton@[redacted] Angie Lee [ALee@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: FGD Test Analytical Data Table
Attachments: Attachment 1_FGD Test Analytical Data Table.xlsx; Attachment 2_Supplemental Data.xlsx; Attachment 3_Halogen Analytical Data Table.xlsx

Good morning,

A CD containing several files was included along with the letter mailed to Mr. Horton. All of the files on the disk are attached to this email. Please let me know if you have any questions after you have the opportunity to review.

Thank you for your efforts to compile the requested information.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Lon Petts [mailto:lpetts@[redacted]
Sent: Wednesday, January 31, 2018 8:34 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Rob Horton <JHorton@[redacted] Angie Lee <ALee@[redacted]
Subject: FGD Test Analytical Data Table

Mr. Jordan,

I am preparing some of the information that EPA requested in its January 3, 2018, letter to Mr. Rob Horton, regarding FGD Wastewater Treatment testing at Hoosier Energy's Merom Generating Station. Enclosure 2 of the letter discusses Attachment 1, the FGD Test Analytical Data Table. It does not appear that we received that table. Can you forward that to me?

Thank you,

Lon M. Petts
Environmental Team Leader
Hoosier Energy REC, Inc.

2501 S. Cooperative Way
Bloomington, IN 47403
Phone[redacted]
Fax (812) 935-4728

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/9/2018 9:22:12 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]
Subject: 308 deadline extension - Hoosier Energy
Attachments: Response to Hoosier Energy request for extension.pdf

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/23/2018 2:46:16 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: Steam Elec litigation: Enviros' reply brief
Attachments: Document.pdf

Fyi

I think oral arguments are the next step in the process. No word on when that would happen

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/16/2018 8:59:43 PM
To: Susan Portin [sportin@[redacted]
CC: Earl Jones [ejones@[redacted]; Craig Clerkin [cclerkin@[redacted]; Ben Laurent [blaurent@h[redacted]
Subject: RE: Heartland Response to EPA Questions

Good afternoon Susan,

All files were downloaded successfully. Thank you for reviewing the draft notes and providing the additional information.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Susan Portin [mailto:sportin@[redacted]
Sent: Thursday, February 15, 2018 5:53 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Earl Jones <ejones@[redacted]; Craig Clerkin <cclerkin@[redacted]; Ben Laurent <blaurent@[redacted]
Subject: Heartland Response to EPA Questions

Dear Mr. Jordan:

On behalf of Heartland Water Technology, Inc. ("Heartland") and at the request of our CEO Earl Jones, I am pleased to submit to the Environmental Protection Agency (the "EPA") the attached response to the questions you recently submitted to us via email on January 25, 2018.

Our response can be accessed through the following link to the relevant file on our BOX cloud storage platform: [redacted]

The BOX file includes the following materials:

1. The narrative answers to the questions that were asked (the "Narrative Response");

2. PDF's of the various attachments (Enclosures A-I) referenced in the Narrative Response; and

3. Our mark-up of the notes that your colleague prepared after Heartland's recent meeting with the FDA; the edits reflect our best recollections of what was said at that meeting.

Please note: the Narrative Response along with a number of the attachments referenced therein (those that include the notation "CONFIDENTIAL") constitute or contain Confidential Business Information and Trade Secrets. These materials and the information contained therein should not, under any circumstances, be disclosed by the EPA to third parties or otherwise made publicly available. We believe these documents have been properly marked (as required under 40 CFR Part 2 Subpart B) to be treated as Confidential Business Information by the EPA.

We look forward to continued dialogue about Heartland's unique solution to treating FGD wastewater from steam electric power plants and in particular, to the upcoming visit by the EPA team to our client's King George facility.

Please reach out to Earl directly if you have any questions or concerns.

Best Regards,

Susan

Susan C. Portin
SVP, Business and Legal Affairs
Heartland Water Technology, Inc.
o: 800 759-1758 x724
c:[redacted]
e: sportin@[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/17/2018 4:03:30 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: meeting with EPA
Attachments: EPA Presentation (Jan 17, 2018).pdf

From: Ashwin Thakkar [mailto:thakkara@[redacted]
Sent: Wednesday, January 17, 2018 10:41 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Alan Daza <dazaa@[redacted] Daniel Bjorklund <Bjorklundd@[redacted]
Subject: RE: meeting with EPA

Ron,

See attached a copy of our presentation per your request.

Regards,
Ashwin
Cell: +1[redacted]

From: Ashwin Thakkar
Sent: Wednesday, January 17, 2018 4:33 AM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Cc: Alan Daza <dazaa@[redacted]Daniel Bjorklund <Bjorklundd@[redacted]
Subject: RE: meeting with EPA

Ron,

Just FYI… our Al Daza (VP- Sales) and Dan Bjorklund (VP – ICD, Technologies) are already in Washington (copied above). So, in worst case scenario that you can't change the meeting time, they can still attend in person in your office and I could join via Phone. Let me know.

Regards,
Ashwin
Cell: +1[redacted]

From: Ashwin Thakkar
Sent: Wednesday, January 17, 2018 4:23 AM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Cc: Alan Daza <dazaa@[redacted]>; Daniel Bjorklund <Bjorklundd@[redacted]
Subject: RE: meeting with EPA

Ron,

Good Morning!

My flight this morning has been cancelled (I was scheduled to land ~9am) , they have rebooked me such that I will land at Washington Raegan (DCA) at 12:15 pm.
Is it possible for you to delay the meeting by 1 or 1:30 hrs (i.e. start at 1 or 1:30 pm instead of 12 pm?).

It's too early in the morning (when I am sending this email), so I will call you ~7:30 -8am to check with you. Meanwhile, if you see this email...please reply.

Regards,
Ashwin
Cell: +1-[redacted]

From: Ashwin Thakkar
Sent: Thursday, January 4, 2018 12:55 PM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Subject: RE: meeting with EPA

That's correct Ron.
Happy New Year!

Regards,
Ashwin
Cell: +1-[redacted]

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Thursday, January 4, 2018 12:54 PM
To: Ashwin Thakkar <thakkara@[redacted]
Subject: meeting with EPA

Happy New Year!
There was so much going on with the scheduling of our meeting that I want to confirm I got everything right on my calendar. I have us meeting at noon on the 17th. Can you confirm that?

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 10/31/2018 12:49:05 PM
To: Danielle Stewart [Danielle.Stewart@erg.com]
CC: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: Frontier pilot at TVA Kingston
Attachments: TVA Kingston SWCW 060118 rev8.pdf

Danielle,

See the attached presentation describing the Frontier pilot at TVA Kingston. Effluent data are shown on p.13. Note that values shown as zero on the plot are actually non-detect at QL of 0.56 (i.e., the minimum value for the measured range, as shown on the plot).

Please add the presentation to the record.

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/28/2017 2:07:50 AM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Deborah Bartram [Deborah.Bartram@erg.com]; Danielle Lewis [Danielle.Lewis@erg.com]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: edits to vendor meeting notes - BKT
Attachments: Attachment 1 - Draft BKT Engineering Meeting Notes_2017.11.21_rj.docx

Markup of the BKT notes attached. I'll send you the signed letter in a separate email. Please prepare a package for sending to the plant, including a clean version of the attached notes.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/21/2018 11:56:35 AM
To: Wilson, Jeff [JLWILSON@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Vendor test reports

Hi Jeff,

We received the Miller report, but not the Bowen Frontier report. Would be great if you can pass that along to us.

Thanks, and have a great weekend. I was disappointed that we weren't able to meet up at the IWC a few weeks ago.
Ron

From: Wilson, Jeff <JLWILSON@[redacted]
Sent: Tuesday, November 20, 2018 3:53 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: Vendor test reports

This is news to me. I thought you had everything. What is it you are looking for the Miller Frontier report? Or the Bowen Frontier report?

From: Jordan, Ronald <Jordan.Ronald@epa.gov>
Sent: Tuesday, November 20, 2018 2:20 PM
To: Wilson, Jeff <JLWILSON@s[redacted]
Subject: Vendor test reports

This email has been sent from an external address. Please use caution when clicking on links or opening attachments.

Good afternoon Jeff,

Thank you for your efforts working with Donna Hill to provide EPA with the vendor report for a pilot test operated at a Southern Company site from May 2017 until December 2017. As you are aware, technical reports provide valuable insight to test conditions and the quality of the data collected. This test is the source for one set of data that, in a meeting on June 6, you and your colleagues asserted EPA should consider using to calculate revised effluent limitations for FGD wastewater discharges from steam electric power plants. In that same meeting, you asserted that EPA should also use data from a test conducted at another Southern Company site from October 2016 until December 2017. EPA requested the vendor reports for both of these pilot tests during a call with Donna Hill, but to date only one of the reports has been received. I'm asking for your assistance in providing EPA with the report for the Oct 2016 – Dec 2017 pilot test.

In the October 16, 2018 letter forwarding the May-Dec 2017 test report to EPA, Southern Company stated that the report was being provided "in response to a specific request made by Mr. Ron Jordan to Ms. Donna Hill

(Southern Company Services) for the Report because doing so furthers the parties' mutual goal of developing revised effluent limitations for FGD wastewater based on sound science and technologies that are available to the steam electric power industry." Since you participated in the meeting where Southern Company recommended using both data sets for calculating revised effluent limitations, I'm sure you recognize that the report for the Oct 2016 - Dec 2017 test would be useful to EPA.

Your assistance with this matter is greatly appreciated.
Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/28/2017 12:29:58 AM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Deborah Bartram [Deborah.Bartram@erg.com]; Danielle Lewis [Danielle.Lewis@erg.com]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: edits to vendor meeting notes
Attachments: Attachment 1 - Draft KLeeNwater Meeting Notes_2016.11.06_rj.docx; Attachment 1 - Draft Oasys Meeting Notes_2017.11.14_rj.DOCX; Attachment 1 - Draft Purestream Meeting Notes_2017.11.08_rj.DOCX

Markups to notes for 3 meetings are attached (Oasys, Purestream, KLeeNwater). Please prepare a clean version for sending out to the companies, along with any associated attachments (e.g., their presentations, etc.). I'll prepare the letters and send you a pdf of the signed letter for including in the package.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/15/2018 6:33:27 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
Subject: FW: MHPS Revised Comments re. Dec.182017 Meeting
Attachments: SE06639A1_Draft Mitsubishi Meeting Notes_2018.01.26 - Feb.152018 edits.docx; Linfen PFD.PDF; MHPS Wastewater Spray Dryer for Estimated Costs.pdf

---

From: Cervino, Victor [mailto:Victor.Cervino@[redacted]
Sent: Thursday, February 15, 2018 1:07 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: MHPS Revised Comments re. Dec.182017 Meeting

Hi Ron,

As promised, here are our revised comments related to our December 18th, 2017. Please, let me know if I can be of further assistance as you work to update the record and continue considering the 2015 ELG Rule. Best regards,

victor

Victor M. Cervino
Senior Manager Government Relations
MHPS Americas, Inc.
[redacted](Cell)

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www.MHPowerSystems.com

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/6/2018 12:26:40 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: EPA meeting with Burns & McDonnell
Attachments: EPA Mtg - BMCD - Revised.pdf

From: Scroggin, Patricia [mailto:pscroggin@[redacted]
Sent: Tuesday, February 06, 2018 7:24 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: EPA meeting with Burns & McDonnell

Ron,

See you tomorrow! Slides attached.

Tisha

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Monday, February 5, 2018 9:43 AM
To: Scroggin, Patricia <pscroggin@[redacted]
Subject: RE: EPA meeting with Burns & McDonnell

You made me laugh…that sounds like the kind of answer I give my boss!
Looking forward to our meeting tomorrow. This is a great opportunity for us to hear your views.

Ron

From: Scroggin, Patricia [mailto:pscroggin@[redacted]
Sent: Monday, February 05, 2018 10:40 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Re: EPA meeting with Burns & McDonnell

Good morning, Ron. There will be some presentation type material that will be forwarded later on this afternoon.

See you tomorrow,
Tisha

Sent from my Sprint Samsung Galaxy S7.

-------- Original message --------
From: "Jordan, Ronald" <Jordan.Ronald@epa.gov>
Date: 2/5/18 10:30 AM (GMT-05:00)
To: "Scroggin, Patricia" <pscroggin@[redacted]
Subject: RE: EPA meeting with Burns & McDonnell

Morning, just checking in once more.

From: Jordan, Ronald
Sent: Thursday, February 01, 2018 8:40 AM
To: 'Scroggin, Patricia' <pscroggin@[redacted]
Subject: EPA meeting with Burns & McDonnell

Good morning Tisha,

I just learned that one of my team members will need to join our meeting by phone, due to travel. If you're preparing any presentation materials for the meeting it would be great to obtain a copy in advance so I can pass it to him.

Looking forward to seeing you next Tuesday.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/20/2018 8:21:01 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [Deborah.Bartram@erg.com]; Danielle Stewart [Danielle.Stewart@erg.com]
Subject: FW: Vendor test reports

From: Jordan, Ronald
Sent: Tuesday, November 20, 2018 3:20 PM
To: jlwilson@[redacted]
Subject: Vendor test reports

Good afternoon Jeff,

Thank you for your efforts working with Donna Hill to provide EPA with the vendor report for a pilot test operated at a Southern Company site from May 2017 until December 2017. As you are aware, technical reports provide valuable insight to test conditions and the quality of the data collected. This test is the source for one set of data that, in a meeting on June 6, you and your colleagues asserted EPA should consider using to calculate revised effluent limitations for FGD wastewater discharges from steam electric power plants. In that same meeting, you asserted that EPA should also use data from a test conducted at another Southern Company site from October 2016 until December 2017. EPA requested the vendor reports for both of these pilot tests during a call with Donna Hill, but to date only one of the reports has been received. I'm asking for your assistance in providing EPA with the report for the Oct 2016 – Dec 2017 pilot test.

In the October 16, 2018 letter forwarding the May-Dec 2017 test report to EPA, Southern Company stated that the report was being provided "in response to a specific request made by Mr. Ron Jordan to Ms. Donna Hill (Southern Company Services) for the Report because doing so furthers the parties' mutual goal of developing revised effluent limitations for FGD wastewater based on sound science and technologies that are available to the steam electric power industry." Since you participated in the meeting where Southern Company recommended using both data sets for calculating revised effluent limitations, I'm sure you recognize that the report for the Oct 2016 - Dec 2017 test would be useful to EPA.

Your assistance with this matter is greatly appreciated.
Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/25/2018 10:05:18 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
Subject: FW: ERG Memorandum - Meeting Notes with New Logic
Attachments: SE06637A1_Draft New Logic Meeting Notes_2018.01.11 - NLR Response.pdf

---

From: Larry Stowell [mailto:lstowell@[redacted]
Sent: Thursday, January 25, 2018 3:47 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>; Chen, Jimmy <Chen.Jimmy@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Deborah Bartram <deborah.bartram@erg.com>; Ryan Novak <Ryan.novak@erg.com>
Cc: 'Greg Johnson' <gjohnson@vsep.com>; Katrin Torres <katrin@vsep.com>
Subject: ERG Memorandum - Meeting Notes with New Logic

Ron,

In response to your request, we have reviewed the meeting notes from ERG based on our meeting on October 26th and have made several minor changes within the notes and have addressed the questions asked per the attached file. Copies of materials requested can be downloaded at this link:

https://[redacted]

We hope that you find these materials of value and please feel free to contact us if you have any further questions.

Best Regards,
Larry Stowell
Eastern Regional Sales Manager
New Logic Research Inc.
Regional Sales Office
2093 Wilshire Drive SW
Marietta, GA 30064
Tel: (770) 421-9205
Fax: (772) 679-8398
Cell:[redacted]

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 12/11/2017 4:08:35 PM
To: ronjordan@[redacted]
Subject: sutton
Attachments: Sutton Pre-Site Visit Notes (002).pdf; Pre-site visit information for Belews Creek, Trimble County, Mill Creek, and Sutton.pdf; SE02066_Belews Creek SV Notes_NonCBI.PDF; 02060_LV Sutton A5-3 Water Balance Diagram.pdf

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 12/11/2017 3:01:07 PM
To: Bob Carpenter [Bob.Carpenter@[redacted]
CC: Ramach, Sean [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6d61014fef5943e6a6444a56ca0c2958-SRamach]
Subject: RE: Steam Electric ELG Question

Mr. Carpenter,

Thanks for your inquiry. I passed your request on to Sean Ramach in EPA's Office of Wastewater Management. Sean's office is responsible for managing the NPDES program and is our key interface with state and regional NPDES staff. I expect he or someone from EPA's Region 6 office (in Dallas, TX) will be in contact with you soon.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Bob Carpenter [mailto:Bob.Carpenter@[redacted]
Sent: Monday, December 11, 2017 9:49 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Steam Electric ELG Question

Mr. Jordan – good Monday morning. I am an Environmental consultant providing support to a coal-fired generating station with the renewal of their NPDES permit. The client has asked if/what ELG language has been written into recent NPDES permits by states or EPA regions given the Sept 18, 2017 Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category. I left you a voice message earlier this morning relative to the question.

Apparently the state permit writer is considering including ELG language in my client NPDES permit; the permit writer is allowing my client to provide input relative to if/how other states/EPA are managing ELG in recent permits. Any insights you are able to provide will be very helpful. Please call my cell, 281.795.5012 if your information/insights are better shared "voice to voice". Thank you and enjoy your day!

Bob Carpenter
Partner
ERM

CityCentre Four | 840 West Sam Houston Parkway North, Suite 600 | Houston, Texas | 77024
T 832 730 4402 | M [redacted]
E bob.carpenter@[redacted] | W www.erm.com

ERM *The business of sustainability*

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Please visit ERM's web site: http://www.erm.com

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/8/2018 1:21:36 PM
To: Paul Togna [PTogna@[redacted]
CC: Andrew Bohner [ABohner@[redacted]
Subject: RE: Envirogen Comments and Responses to Draft Nov 2 Meeting Notes

Good morning,

When sending information to EPA we actually have 2 addresses, depending on the method used – one for USMail and another for delivery/courier services such as UPS, FedEx, etc. If sending a flash drive or CD, it's best to use UPS or FedEx – the mail room somehow destroys electronic media.

FedEx / UPS
Ronald Jordan
USEPA
EPA West/Connecting Wing (Room 6233W)
1301 Constitution Ave., NW
Washington DC 20004

US Mail
Ronald Jordan
USEPA, Office of Water (Mail Code 4303T)
1200 Pennsylvania Ave., NW
Washington DC 20460

Apologies for the strange mailing addresses. Thanks again for your efforts to compile the information.

Regards, Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Paul Togna [mailto:PTogna@[redacted]
Sent: Wednesday, February 07, 2018 4:40 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Andrew Bohner <ABohner@[redacted]
Subject: RE: Envirogen Comments and Responses to Draft Nov 2 Meeting Notes

Ron:

Yesterday we sent the additional information you requested to your attention at your mailing address via UPS Overnight Delivery :

US Environmental Protection Agency
Mail Code 4303T
1200 Pennsylvania Ave., NW
Washington, DC 20456

We received an Exception Notification today from UPS that "The suite number is either missing or incorrect. This may delay delivery. We're attempting to update the address."

Is there additional information we need about your address for UPS delivery?

Regards,

A. Paul Togna, Ph.D.
VP Power Market

ENVIROGEN

m: 609.306.2388
t: 713.212.1944 (direct)
tf: 8[redacted]oll free)
ptogna@[redacted]
www.envirogen.com

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Envirogen Technologies, Inc.
Office: *84A Twin Rivers Drive*
East Windsor, NJ 08520

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From: Paul Togna
Sent: Friday, February 02, 2018 1:45 PM
To: 'Jordan, Ronald' <Jordan.Ronald@epa.gov>
Cc: Andrew Bohner <ABohner@envirogen.com>
Subject: Envirogen Comments and Responses to Draft Nov 2 Meeting Notes

Ron:

Attached are Envirogen's comments and responses to the Draft Notes prepared by ERG from our meeting with the EPA and ERG on November 2, 2017 to discuss the wastewater treatment systems offered by Envirogan, including available information on the configuration, costs, treatment performance, and installations and/or studies of these systems, specifically related to flue gas desulfurization (FGD) wastewater from steam electric power plants. Andy and I have made changes to the Word document in "Track Changes". The additional data and information you requested will be sent by mail, along with the attached document.

If you have any questions, please either call or email.

Sincerely,

A. Paul Togna, Ph.D.
VP Power Market

m: 609.306.2388
t: 713.212.1944 (direct)
tf: 877.312.8950 ext. 1383 (toll free)
ptogna@envirogen.com
www.envirogen.com

Follow us on:

Envirogen Technologies, Inc.

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East Windsor, NJ 08520

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Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/8/2017 4:41:08 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: FW: FRN OW-2009-0819-7080 has been published

From: Deborah Bartram [mailto:Deborah.Bartram@erg.com]
Sent: Tuesday, September 19, 2017 8:39 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Deborah Bartram <deborah.bartram@erg.com>; Teresa Medley <Teresa.Medley@erg.com>; Ryan Novak <Ryan.novak@erg.com>
Subject: FW: FRN OW-2009-0819-7080 has been published

Ron,
In case you are checking email, please note that all the documents are now final in the docket and the crosswalk of DCNs and FDMS #s is listed below.
Deb

From: Teresa Medley
Sent: Tuesday, September 19, 2017 8:33 AM
To: Deborah Bartram <Deborah.Bartram@erg.com>; Ryan Novak <Ryan.Novak@erg.com>
Subject: RE: FRN OW-2009-0819-7080 has been published

Good morning all,

Below are the final numbers:

Steam Index		
DCN	**FINAL REGULATION GOV NUMBER**	**TITLE**
SE06446	EPA-HQ-OW-2009-0819-7081	Transcript for the 31 July 2017 Public Hearing on the Delay of Compliance Deadlines for the Steam Electric ELG - DCN SE06446
SE06667	EPA-HQ-OW-2009-0819-7082	Schedule for New Rulemaking for Steam Electric Memorandum - DCN SE06667
SE06670	EPA-HQ-OW-2009-0819-7083	Response to Petitions for Agency Reconsideration and Stay of Steam Electric ELGs - DCN SE06670
SE06668	EPA-HQ-OW-2009-0819-7084	Memorandum: Annualized Cost Savings and Forgone Benefits from Delaying Implementation of 2015 Rule
SE06671	EPA-HQ-OW-2009-0819-7085	Document Submitted to Initiate OMB Review Under E.O. 12866: Draft Federal Register Notice for Postponement of Certain Compliance Dates for Steam Electric ELGs - DCN SE06671
SE06674	EPA-HQ-OW-2009-0819-7086	Memorandum: Indirect Discharger Summary - DCN SE06674
SE06445	EPA-HQ-OW-2009-0819-7087	Registration List for the 31 July 2017 Public Hearing on the Delay of Compliance Deadlines for the Steam Electric ELG - DCN SE06445

Steam Index		
DCN	FINAL REGULATION GOV NUMBER	TITLE
SE06669	EPA-HQ-OW-2009-0819-7088	Postponement of ELG Compliance Deadlines Comment Response Document - DCN SE06669
SE06672	EPA-HQ-OW-2009-0819-7089	Document of Changes Made During OMB Review Under E.O. 12866: Draft Federal Register Notice for Postponement of Certain Compliance Dates for Steam Electric ELGs - DCN SE06672
SE06673	EPA-HQ-OW-2009-0819-7090	Document Submitted to Conclude OMB Review Under E.O. 12866: Final Federal Register Notice for Postponement of Certain Compliance Dates for Steam Electric ELGs - DCN SE06673

From: Deborah Bartram
Sent: Monday, September 18, 2017 3:39 PM
To: Teresa Medley <Teresa.Medley@erg.com>; Ryan Novak <Ryan.Novak@erg.com>
Subject: RE: FRN OW-2009-0819-7080 has been published

Let you know when the numbers are finalized.

From: Teresa Medley
Sent: Monday, September 18, 2017 3:32 PM
To: Deborah Bartram <Deborah.Bartram@erg.com>; Ryan Novak <Ryan.Novak@erg.com>
Subject: RE: FRN OW-2009-0819-7080 has been published

Thanks for letting us know. I have updated the record index with the final Regulatio.gov ID number for the ones that have been posted.

From: Deborah Bartram
Sent: Monday, September 18, 2017 3:14 PM
To: Teresa Medley <Teresa.Medley@erg.com>; Ryan Novak <Ryan.Novak@erg.com>
Subject: FW: FRN OW-2009-0819-7080 has been published

FYI

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Monday, September 18, 2017 1:54 PM
To: Deborah Bartram <Deborah.Bartram@erg.com>
Subject: FW: FRN OW-2009-0819-7080 has been published

fyi

From: Castillo, Amparo
Sent: Monday, September 18, 2017 12:44 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>; Alicea, Jezebele <Alicea.Jezebele@epa.gov>
Cc: Akram, Assem <Akram.Assem@epa.gov>
Subject: FRN OW-2009-0819-7080 has been published

Hi,

Your Final Rule for docket OW-2009-0819 was posted earlier in FDMS. The FRN and supporting documents that were at pending_post will be available in regulations.gov shortly.

The rest of the supports will be posted as soon as they are processed.

Regards,

Ms. Amparo Castillo
Legacy Docket Manager
USEPA Docket Center
Staffed by Arctic Slope Mission Services (ASMS)

WJC-West, Room 3337, MC 28221T
Phone: 202-566-1743
Email: castillo.amparo@epa.gov

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/7/2017 4:25:45 AM
To: ronjordan@comcast.net
Subject: FW: FGD Flows
Attachments: Flows.pptx

From: Benware, Richard
Sent: Thursday, November 02, 2017 9:47 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: RE: FGD Flows

It would help if I attached it…

From: Benware, Richard
Sent: Thursday, November 02, 2017 9:47 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: FGD Flows

Ron,

[redacted]

Best,
-Richard

Appointment

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/15/2018 7:42:52 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]

Subject: Meeting Forward Notification: Steam ELG: Bottom Ash Options

Start: 3/15/2018 8:00:00 PM
End: 3/15/2018 8:30:00 PM
Show Time As: Busy

Your meeting was forwarded

Jordan, Ronald has forwarded your meeting request to additional people.

Meeting

Steam ELG: Bottom Ash Options

Meeting Time

Thursday, March 22, 2018 10:00 AM - Thursday, March 22, 2018 1:00 PM

Recipients

Chen, Jimmy,Goldberg, Michael

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/6/2017 11:00:28 AM
To: Deborah Bartram [Deborah.Bartram@erg.com]
BCC: Ronjordan@[redacted]
Subject: FW: FGD Flows
Attachments: Flows.pptx

Something we can talk about during the long drive, perhaps. No need to look at it right now, this is still conceptual.

From: Benware, Richard
Sent: Thursday, November 2, 2017 9:46 AM
To: Jordan, Ronald
Subject: RE: FGD Flows

It would help if I attached it…

From: Benware, Richard
Sent: Thursday, November 02, 2017 9:47 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: FGD Flows

Ron,

Here is my initial draft-up of what we talked about yesterday… if you have any comments I can make changes, otherwise feel free to send it out to whoever you want to include in the brainstorming meeting. Also, Should I schedule the Babcock webinar for next Wed/Thurs, or would you prefer to put it off till the week after?

Best,
-Richard

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/22/2018 12:33:46 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: Bottom ash sampling - industry responses
Attachments: Bottom ash sampling_Valmont response.pdf; Bottom ash sampling_Colstrip response.pdf; Bottom ash sampling_Big Bend response.pdf; Bottom ash sampling_Weston response.pdf; Bottom ash sampling_La Cygne response.pdf; Bottom ash sampling_Hugo response.pdf

Liz,

Please add the following documents to the record. These are responses from 6 plants regarding participation in the bottom ash sampling (1 accept; 5 declines). I'm still waiting for JT Deely to confirm whether they are participating.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 12/19/2017 2:18:05 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Molly McEvoy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3c75fd53]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]
Subject: FW: Duke Energy Presentations: Sutton and Belews Creek
Attachments: DE Sutton Pironox 20171213.pdf; EPA Site Visit 12-13-17 - Belews Creek - BKT Pilot rev1.pdf; LV SUTTON ASH BASIN CLOSURE -EPA.pdf

---

From: Craig, Nathan D [mailto:Nathan.Craig@[redacted]
Sent: Tuesday, December 19, 2017 8:55 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Duke Energy Presentations: Sutton and Belews Creek

Ron,

Please find attached the presentations given during the site visits at Sutton and Belews Creek. As for a follow up meeting, I would like to propose either January 24, 25 or 26 in Washington. Let me know if any of those dates will work with your schedule.

Also, just let us know if you have any follow up questions or requests.

Thank you,

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O: [redacted] | nathan.craig@[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/25/2018 1:10:55 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: signed letters and notes for vendor meetings
Attachments: Mitsubishi letter_signed.pdf; Draft Mitsubishi Meeting Notes_2018.01.09_EPA edits.DOCX; Heartland letter_signed.pdf; Babcock letter_signed.pdf; Draft Babcock Power Meeting Notes_2017.12.12_EPA edits.DOCX; Attachment 1 -Draft Heartland Water Technology Meeting Notes_01032018_EPA edits.doc

All of the vendor notes have track changes, so make sure you accept changes before sending to the companies.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/28/2018 12:59:01 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [Deborah.Bartram@erg.com]
Subject: FW: Current Option Selection Briefing
Attachments: Steam Electric ELG Option Selection 11_27_rjb.pptx

fyi

Message

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 3/7/2018 2:26:08 AM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation
Attachments: Data Excerpts from the Steam Electric Technical Questionnaire.pdf

Jessica,

[redacted]

Best,
-Richard

-----Original Message-----
From: Zomer, Jessica
Sent: Tuesday, March 06, 2018 4:04 PM
To: McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Martin,

[redacted]

Jessica

-----Original Message-----
From: McDermott, Martin (ENRD) [mailto:Martin.McDermott@usdoj.gov]
Sent: Tuesday, March 06, 2018 3:58 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: FW: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

-----Original Message-----
From: Thomas Cmar [mailto:tcmar[redacted]
Sent: Friday, March 2, 2018 6:05 PM
To: Johnson, Harry M. Pete <pjohnson[redacted]; joshua.smith@[redacted] Mr. Matthew Gerhart: <megerhart@[redacted]; Flora Champenois <fchampenois@[redacted] casey.roberts@[redacted]
Cc: tgrever@[redacted] njsmith@[redacted] mbuchanan[redacted] Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Mr. John Andrew Sheehan: <jasheehan@[redacted] Sean.Sullivan@troutmansanders.com; McHugh, Timothy L. <TMcHugh@hunton.com>; Bulleit, Kristy <kbulleit@[redacted]; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Hi all,

Following up on this email from yesterday, I'm attaching two Word documents here.

The first is an initial draft table of contents for the joint appendix. It has a separate entry for each document from the certified index we believe should be included in the appendix. Below each entry, there are notes from us in red as to which portions of the document we believe should be included.

The second document is a compiled list of citations from each of the relevant briefs concerning Environmental Petitioners' claims, which we used as the starting point for drafting the Table of Contents. I'm including this for your reference in case it's helpful in reviewing the draft TOC.

Please let us know if you have any changes to propose to the list of documents (and which portions of those documents) we propose to include in the joint appendix. I ask that you get back to us no later than COB next Tuesday 3/6 to allow for adequate time for us to prepare the joint appendix for filing.

I'm happy to talk next week if there is anything you would like to discuss by phone.

Thanks,

Thom

-----Original Message-----
From: Thomas Cmar
Sent: Thursday, March 01, 2018 3:30 PM
To: 'Johnson, Harry M. Pete'; joshua.smith[redacted] Mr. Matthew Gerhart:; Gabrielle "Gabi" Winick; Flora Champenois; casey.roberts[redacted]; kathleen.krust[redacted] Lauren Hogrewe
Cc: tgrever[redacted] njsmith@[redacted] mbuchanan@[redacted] Hoshijima, Tsuki (ENRD); O'Donnell, Jessica (ENRD); Mr. John Andrew Sheehan:; Sean.Sullivan@troutmansanders.com; McHugh, Timothy L.; Bulleit, Kristy; McDermott, Martin (ENRD)
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Hi Pete,

We are compiling the appendix and should have something ready for the parties to start reviewing by tomorrow. We don't have any questions about the citations in your brief. I did send a question to counsel for EPA yesterday about whether EPA wanted to include a lengthy spreadsheet cited in its brief in the joint appendix and am still waiting to hear back on that.

Thanks,

Thom

-----Original Message-----
From: Johnson, Harry M. Pete [mailto[redacted]
Sent: Thursday, March 01, 2018 3:03 PM
To: Thomas Cmar; joshua.smith@[redacted] Mr. Matthew Gerhart:; Gabrielle "Gabi" Winick; Flora Champenois; casey.roberts@[redacted] kathleen.krust@[redacted] Lauren Hogrewe
Cc: tgrever@[redacted] njsmith@[redacted] mbuchanan@[redacted] Hoshijima, Tsuki (ENRD); O'Donnell, Jessica (ENRD); Mr. John Andrew Sheehan:; Sean.Sullivan@troutmansanders.com; McHugh, Timothy L.; Bulleit, Kristy; McDermott, Martin (ENRD)
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Tom,

Just following up to make sure environmental petitioners are not looking for anything from us for the joint appendix due next week. Our brief's citations should be pretty straightforward for inclusion in the JA.

Regards,

Pete

Harry M. ("Pete") Johnson, III
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Phone: [redacted]
Fax: (804) 343-4538
eMail: pjohnson[redacted]
website: www.hunton.com

-----Original Message-----
From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Tuesday, February 20, 2018 11:14 AM
To: Johnson, Harry M. Pete; joshua.smith@[redacted] Mr. Matthew Gerhart:; Gabrielle "Gabi" Winick; Flora Champe[redacted]sey.roberts@[redacted] kathleen.krust@[redacted]; adela.jones@[redacted]
Cc: tgrever@[redacted] njsmith@[redacted] mbuchanan@[redacted] Hoshijima, Tsuki (ENRD); O'Donnell, Jessica (ENRD); Mr. John Andrew Sheehan:; Sean.Sullivan@troutmansanders.com; McHugh, Timothy L.; Bulleit, Kristy; McDermott, Martin (ENRD)
Subject: RE: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Thanks, Pete. We will be in touch after our reply brief is filed to touch base about the appendix (which is due on March 8).

-----Original Message-----
From: Johnson, Harry M. Pete [mailto:pjohnson@[redacted]
Sent: Tuesday, February 20, 2018 9:26 AM
To: Thomas Cmar; joshua.smith@[redacted] Mr. Matthew Gerhart:; Gabrielle "Gabi" Winick; Flora Champenois; casey.roberts@[redacted] kathleen.krust@[redacted].org; adela.jones@[redacted]
Cc: tgrever@[redacted]; njsmith@[redacted] mbuchanan@[redacted] Hoshijima, Tsuki (ENRD); O'Donnell, Jessica (ENRD); Mr. John Andrew Sheehan:; Sean.Sullivan@troutmansanders.com; McHugh, Timothy L.; Bulleit, Kristy; McDermott, Martin (ENRD)
Subject: 15-60821 Southwestern Elec Power Co., et al v. EPA, et al: Joint Appendix Preparation

Counsel,

In advance of the deadline for filing the Joint Appendix, we wanted to check in to confirm environmental petitioners' plans for preparing it. Are you expecting anything from industry petitioners? Thanks.

Regards,

Harry M. ("Pete") Johnson, III
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Phone: [redacted]
Fax: (804) 343-4538
eMail: pjohnson@[redacted]
website: www.hun[redacted]

Message

From: Allen, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38F541491EF94CE5AE934B78A9E3B2A6-AALLEN]
Sent: 6/4/2018 4:53:26 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Jill Lucy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user05d69bb8]; Patrick Goodwin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd514401d]; Ryan Novak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb996a810]
CC: Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]
Subject: FW:
Attachments: image2018-06-04-122505.pdf

A PDF of the presentation from the AWWA meeting last week. Note that this version of the slides doesn't have any of the unpublished data they discussed.

It looks like the scanner is having trouble picking up the very small, faint citations provided at the bottom of many of the slides. I tried bumping up the resolution – still hard to read. I'll hand off a paper copy to ERG staff attending the Santee Cooper meeting this afternoon to bring back to Chantilly.

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/9/2018 9:26:05 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]
Subject: response to EPRI letter
Attachments: image2018-02-09-154412.pdf

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/6/2018 6:17:50 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: FGD 308 data request: Alabama and Georgia Power
Attachments: Alabama and Georgia Power Ltrs..pdf

Deadline extensions for Alabama Power and Georgia Power

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 4/6/2018 8:53:36 PM
To: msberry@[redacted]
CC: djweathe@[redacted]Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: Thank You
Attachments: Georgia Power Thank You Letter.pdf

Please see attached letter concerning Georgia Power's response to our January 3 data request. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/8/2018 5:41:44 PM
To: Weatherill, Dominic J. [DJWEATHE@[redacted]
Subject: RE: GPC 308 request
Attachments: Alabama and Georgia Power Ltrs..pdf

Dominic,

It took us a few attempts but I'm glad we finally connected. Thanks for reaching out to me regarding the status of compiling the information EPA requested. Attached are letters to Alabama Power and Georgia Power providing additional time for a portion of the information requested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Weatherill, Dominic J. [mailto:DJWEATHE@[redacted]]
Sent: Wednesday, February 07, 2018 2:22 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: GPC 308 request

Ron,

My apologies for not being able to speak earlier. I did call you back, but got your voicemail. I will call you back later this afternoon or tomorrow.

I appreciate you are very busy and look forward to a brief chat.

Dominic J. Weatherill
ENVIRONMENTAL AFFAIRS
Office: 404-506-3348 | Cell: [redacted]
Georgia Power

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 11/28/2017 9:07:24 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
CC: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]
Subject: signed vendor letters & CBI enclosure
Attachments: Kleenwater letter_signed.pdf; Purestream letter_signed.pdf; BKT letter_signed.pdf; Oasys letter_signed.pdf; Enclosure about CBI claims.DOCX

My CBI enclosure has slight edits from what you sent me, so please use this one

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:38:41 PM
To: Craig, Nathan D [Nathan.Craig@[redacted]
Subject: RE: Duke Energy Presentations: Sutton and Belews Creek
Attachments: FGD data request letter_Duke Energy_01032018.pdf

Nathan,

Jan 26 does not work for me, but I could meet on the 29th or 30th.
The letter is attached

Ron

From: Craig, Nathan D [mailto:Nathan.Craig@[redacted]
Sent: Wednesday, January 03, 2018 3:33 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: [SPAM-Sender] RE: Duke Energy Presentations: Sutton and Belews Creek

Ron,

Thank you for the heads up on the 308 letter. If possible could you provide an electronic copy of the letter? I would like to provide a copy of the letter to Dhiaa, just so he is aware of what is coming and the contents of the package are routed to myself.

Also, we had some other commitments come up for Jan. 24 and 25 and would like to see if you would be available for a follow-up meeting on Jan. 26, Jan. 29. or Jan. 30.

Thanks again,

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O: [redacted] | nathan.craig@[redacted]

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Tuesday, January 02, 2018 4:07 PM
To: Craig, Nathan D
Subject: RE: Duke Energy Presentations: Sutton and Belews Creek

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Nathan,
Thanks for the presentations. January 24 or 25 work for me, just about any time each day.

From: Craig, Nathan D [mailto:Nathan.Craig@[redacted]
Sent: Tuesday, December 19, 2017 8:55 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Duke Energy Presentations: Sutton and Belews Creek

Ron,

Please find attached the presentations given during the site visits at Sutton and Belews Creek. As for a follow up meeting, I would like to propose either January 24, 25 or 26 in Washington. Let me know if any of those dates will work with your schedule.

Also, just let us know if you have any follow up questions or requests.

Thank you,

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O: [redacted] | nathan.craig@[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/15/2018 2:37:22 PM
To: Molly McEvoy [Molly.McEvoy@erg.com]
CC: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: RE: Aquatech contact
Attachments: Aquatech2018-03-15-102906.pdf

Thanks!

Revised letter attached

From: Molly McEvoy [mailto:Molly.McEvoy@erg.com]
Sent: Thursday, March 15, 2018 10:26 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Elizabeth Gentile <elizabeth.gentile@erg.com>
Subject: Aquatech contact

Ron,

As Liz mentioned this morning, Alan Daza asked me to direct my questions to Daniel Bjorklund. I've listed his contact information below.

Daniel Bjorklund
Vice President
AquaChem ICD
1150 James Drive
Hartland, WI 53029

Email: bjorklundd@[redacted]
Phone: [redacted]

Please let us know if you have any questions.

Thank you,
Molly

Molly McEvoy
Environmental Engineer
Eastern Research Group, Inc. (ERG)
Molly.McEvoy@erg.com
Office: (703) 633-1643
Cell: (716) 471-9713

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 3/15/2018 12:51:31 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: cover letters: Suez, Aquatech, Carmeuse
Attachments: Suez2018-03-15-084118.pdf; Aquatech2018-03-15-084157.pdf; Carmeuse2018-03-15-084250.pdf

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/1/2018 12:25:38 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [Danielle.Lewis@erg.com]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]
Subject: Frontier presentation
Attachments: Frontier presentation_May 16 2017.pdf

This is the presentation I mentioned a couple days ago. Some cost curves near the end of the slides

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/11/2018 4:23:56 PM
To: Danielle Lewis [Danielle.Lewis@erg.com]
CC: Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]
Subject: RE: Saltworks Technologies Vendor Letter
Attachments: Cover Letter_Saltworks_01112018.pdf

Signed letter attached. Thanks for preparing this

From: Danielle Lewis [mailto:Danielle.Lewis@erg.com]
Sent: Thursday, January 11, 2018 10:35 AM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Cc: Sara Bossenbroek <Sara.Bossenbroek@erg.com>; Elizabeth Gentile <elizabeth.gentile@erg.com>
Subject: Saltworks Technologies Vendor Letter

Ron,

[redacted]

Please let me know if you have any questions or need any more updates made to the letter before you sign it.

Thanks,
Danielle

Danielle Lewis
Chemical Engineer
Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151

Ph: 703-633-1703
Email: danielle.lewis@erg.com

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/3/2018 8:38:41 PM
To: Craig, Nathan D [Nathan.Craig@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: Duke Energy Presentations: Sutton and Belews Creek
Attachments: FGD data request letter_Duke Energy_01032018.pdf

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Sent: Wednesday, January 03, 2018 3:33 PM
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Thanks again,

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O: [redacted] | nathan.craig@[redacted]

From: Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]
Sent: Tuesday, January 02, 2018 4:07 PM
To: Craig, Nathan D
Subject: RE: Duke Energy Presentations: Sutton and Belews Creek

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Nathan,
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From: Craig, Nathan D [mailto:Nathan.Craig@d[redacted]
Sent: Tuesday, December 19, 2017 8:55 AM
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Thank you,

Nathan Craig
Duke Energy Corporation | 526 South Church St.| Charlotte, NC 28202
O: [redacted] | nathan.craig@[redacted]

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/5/2018 5:18:11 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [Danielle.Lewis@erg.com]
Subject: 308 letters requesting FGD data (email #3 of 3)
Attachments: FGD data request letter_NRG Energy_01032018.pdf; FGD data request letter_Santee Cooper_01032018.pdf; FGD data request letter_NIPSCO_01032018.pdf

Please add these to the record, along with the attachment files

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/9/2018 9:26:05 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Danielle Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user23b9d16a]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Cuff, Jalyse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a51739d2f614a30949c9880ea19bedc-Cuff, Jalys]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: response to EPRI letter
Attachments: image2018-02-09-154412.pdf

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/17/2018 7:49:29 PM
To: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Ryan Novak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userb996a810]
Subject: FW: Preliminary NEEDS data
Attachments: WA1-11_T5_SEPrelimProfile_NEEDS-EIA2016_NonCBI_2017-10-16.xlsx

---

From: Allen, Ashley
Sent: Wednesday, January 17, 2018 12:06 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: FW: Preliminary NEEDS data

The NEEDS (and various other goodies) file we discussed earlier this morning…

From: Covington, James
Sent: Wednesday, January 17, 2018 11:46 AM
To: Allen, Ashley <Allen.Ashley@epa.gov>
Subject: FW: Preliminary NEEDS data

From: Morin, Isabelle [mailto:Isabelle.Morin@icf.com]
Sent: Monday, October 16, 2017 2:59 PM
To: Deborah Bartram <deborah.bartram@erg.com>
Cc: Covington, James <Covington.James@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Preliminary NEEDS data

Deb,

[redacted]

Isabelle

-----Original Message-----
From: Covington, James [mailto:Covington.James@epa.gov]
Sent: Wednesday, October 11, 2017 10:59 AM
To: Morin, Isabelle <Isabelle.Morin@icf.com>

Cc: Jordan, Ronald <Jordan.Ronald@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: Fw: NEEDs. Data

Please talk with Deb after review and let us know next steps.

Thanks

James C. Covington, III
OW/OST/EAD/EEAB
Senior Economist
6233J
1200 Pennsylvania Ave. NW
Washington, DC 20460
202 566-1034

From: Kayin, Serpil
Sent: Wednesday, October 11, 2017 10:39:48 AM
To: Fisher, Brian; Covington, James
Subject: RE: NEEDs. Data

[redacted]

Thanks,
Serpil

-----Original Message-----
From: Fisher, Brian
Sent: Wednesday, October 11, 2017 9:53 AM
To: Covington, James <Covington.James@epa.gov>
Cc: Kayin, Serpil <Kayin.Serpil@epa.gov>
Subject: RE: NEEDs. Data

Sure,
[redacted]

Thanks,

-----Original Message-----
From: Covington, James
Sent: Wednesday, October 11, 2017 9:40 AM
To: Fisher, Brian <Fisher.Brian@epa.gov>
Subject: NEEDs. Data

Brian,

[redacted]

Thanks.

James C. Covington, III
OW/OST/EAD/EEAB
Senior Economist
6233J
1200 Pennsylvania Ave. NW
Washington, DC 20460
202 566-1034

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/5/2018 5:16:34 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [Danielle.Lewis@erg.com]
Subject: 308 letters requesting FGD data (email #2 of 3)
Attachments: FGD data request letter_Georgia Power_01032018.pdf; FGD data request letter_Hoosier Energy_01032018.pdf; FGD data request letter_Duke Energy_01032018.pdf

Please add these to the record, along with the attachment files

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
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CC: Deborah Bartram [Deborah.Bartram@erg.com]; Danielle Lewis [Danielle.Lewis@erg.com]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: signed vendor letters & CBI enclosure
Attachments: Kleenwater letter_signed.pdf; Purestream letter_signed.pdf; BKT letter_signed.pdf; Oasys letter_signed.pdf; Enclosure about CBI claims.DOCX

My CBI enclosure has slight edits from what you sent me, so please use this one

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 1/5/2018 5:12:21 PM
To: Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Danielle Lewis [Danielle.Lewis@erg.com]
Subject: 308 letters requesting FGD data (email #1 of 3)
Attachments: FGD data request letter_AEP_01032018.pdf; FGD data request letter_Alabama Power_01032018.pdf; FGD data request letter_FirstEnergy_01032018.pdf

Please add these to the record, along with the attachment files

---

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/6/2018 6:17:50 PM
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BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: FGD 308 data request: Alabama and Georgia Power
Attachments: Alabama and Georgia Power Ltrs..pdf

Deadline extensions for Alabama Power and Georgia Power

Message

From: Jordan, Ronald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B8E2766B3E4F29A86A3893D65023FF-RJORDAN]
Sent: 2/8/2018 5:41:44 PM
To: Weatherill, Dominic J. [DJWEATHE@[redacted]
BCC: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
Subject: RE: GPC 308 request
Attachments: Alabama and Georgia Power Ltrs..pdf

Dominic,

It took us a few attempts but I'm glad we finally connected. Thanks for reaching out to me regarding the status of compiling the information EPA requested. Attached are letters to Alabama Power and Georgia Power providing additional time for a portion of the information requested.

Regards,
Ron

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

From: Weatherill, Dominic J. [mailto:DJWEATHE@[redacted]
Sent: Wednesday, February 07, 2018 2:22 PM
To: Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: GPC 308 request

Ron,

My apologies for not being able to speak earlier. I did call you back, but got your voicemail. I will call you back later this afternoon or tomorrow.

I appreciate you are very busy and look forward to a brief chat.

Dominic J. Weatherill
ENVIRONMENTAL AFFAIRS
Office: 404-506-3348 | Cell: [redacted]
Georgia Power

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/14/2018 2:33:09 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Wednesday, November 14, 2018 9:31 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Jessica

On Nov 7, 2018, at 4:06 PM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

[redacted]

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@[redacted]; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p [redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]>
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]; Toth, Brian

(ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]>
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]>; brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thom,

UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

*please consider the environment before printing

<mime-attachment>

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 6/19/2018 5:26:52 PM
To: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Witt, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fbcc13f5878c4ef4b7b880de0221b9f9-RWITT]; Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
Subject: FW: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Bob

From: Johnson, Harry M. Pete <pjohnson[redacted]
Sent: Tuesday, June 19, 2018 12:10 PM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit[redacted]McHugh, Timothy L. <TMcHugh[redacted]>; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thom,

UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete

HUNTON ANDREWS KURTH

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@earthjustice.org]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
(312) 257-9338 (cell)

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*please consider the environment before printing

Message

From: Kermish, Laurie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5425B3B33E06428F8C04DE3F704E74BE-LKERMISH]
Sent: 5/23/2018 7:33:49 PM
To: martha.mann@usdoj.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user07624bb3]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: Quast, Sylvia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fe20025c1dda47ce92e19f6c3c440c90-SQUAST]; Busterud, Gretchen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9f6e22d0d8348ffa8dc25b391b754ea-GBUSTERU]; Torres, Tomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b2f42bb7a684e199190092e3a2e7520-TTORRES]; Blake, Ellen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79ba69abfda14d4c845539858e07b8a2-EBLAKE02]; Smith, DavidW [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=911849b6d8db4194ac6d4b69051e3b74-DSMITH06]; Hagler, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9cd8ee96a2244b40bcd515e7046c00a0-THAGLER]
Subject: Petition for Mandamus filed today re: Four Corners Power Plant
Attachments: Petition for Mandamus FINAL 05152018.pdf; In Re- US EPA Region 9 Exhibits Final 052220182018.pdf

ATTORNEY-CLIENT COMMUNICATION

Hi Martha and Mary Ellen,

We received a copy today of a petition for mandamus that has been filed with the 9th Circuit seeking an order to direct EPA to make a final decision on the NPDES permit for the Four Corners Power Plant. Please let me know who will be

[redacted]

Thanks for your attention,

Laurie Kermish
CWA Section Chief
Office of Regional Counsel (ORC-2)
U.S. EPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3917
(415) 947-3570 (fax)
kermish.laurie@epa.gov

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From: Hagler, Tom
Sent: Wednesday, May 23, 2018 11:11 AM
To: Kermish, Laurie <Kermish.Laurie@epa.gov>
Subject: FW: Petition for Mandamus filed today

[redacted]

From: Smith, DavidW
Sent: Wednesday, May 23, 2018 11:05 AM
To: Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Wilson, Scott <Wilson.Js@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>
Cc: Hagler, Tom <Hagler.Tom@epa.gov>
Subject: FW: Petition for Mandamus filed today

Attorney Client Privileged

[redacted]

Dave

From: John Barth [mailto:barthlawoffice@[redacted]
Sent: Wednesday, May 23, 2018 10:38 AM
To: Smith, DavidW <Smith.DavidW@epa.gov>
Cc: Andrew Hawley <hawley@[redacted] Michael Saul <msaul@[redacted] Shiloh Hernandez <hernandez@[redacted]
Subject: Petition for Mandamus filed today

Mr. Smith

Today a coalition of conservation organizations filed a Petition for Mandamus with the 9th Circuit Court of Appeals seeking an order directly EPA Region 9 to take final action on the pending NPDES renewal permit application for the Four Corners Power Plant. I am attaching a courtesy copy. If you would like to discuss this Petition, please have your attorney contact me. Thank you.

--
John Barth
Attorney at Law
P.O. Box 409
Hygiene, CO 80533
[redacted]
barthlawoffice@[redacted]

Message

From: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
Sent: 8/31/2018 5:11:43 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: FW: 18-60619 Clean Water Action, et al v. EPA, et al "Agency Transfer Case Docketed" (82 Fed. Reg. 19,005)
Attachments: 18-60619_Documents.pdf

The Fifth Circuit finally docketed the 705 Stay petition that the D.C. Circuit transferred. Attached is the clerk's letter (at the very bottom of the PDF file).

[redacted]

Thanks,
Tsuki

Tsuki Hoshijima
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
202-514-3468
tsuki.hoshijima@usdoj.gov

From: cmecf_caseprocessing@ca5.uscourts.gov <cmecf_caseprocessing@ca5.uscourts.gov>
Sent: Friday, August 31, 2018 11:04 AM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: 18-60619 Clean Water Action, et al v. EPA, et al "Agency Transfer Case Docketed" (82 Fed. Reg. 19,005)

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United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 08/31/2018 at 9:58:01 AM CDT and filed on 08/31/2018

Case Name:	Clean Water Action, et al v. EPA, et al
Case Number:	18-60619
Document(s):	Document(s)

Docket Text:
AGENCY TRANSFER CASE docketed. Filing order of the United States Court of Appeals for the District of Columbia transferring case to this Court.
Date received in 5th Circuit: 08/30/2018.

Administrative Record due on 10/10/2018 [18-60619] (AGL)

Notice will be electronically mailed to:

Mr. Thomas Joseph Cmar: tcmar@[redacted] fchampenois@[redacted] gwinick@[redacted]
Mr. Matthew Gerhart: megerhart@[redacted]
Mr. Tsuki Hoshijima: tsuki.hoshijima@usdoj.gov
Mr. Martin Francis McDermott: martin.mcdermott@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV
Ms. Casey Austin Roberts: casey.roberts@[redacted] casey.roberts@[redacted]
lauren.hogrewe@[redacted]
Mr. Joshua Smith: joshua.smith@[redacted] lauren.hogrewe@[redacted]

NOTICE WILL BE DELIVERED BY OTHER MEANS TO:

Mr. Patton Dycus
Environmental Integrity Project
1000 Vermont Avenue, N.W.
Washington, DC 20005

Mr. Matthew Z. Leopold
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460-0000

Mr. Andrew Wheeler
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460-0000

The following document(s) are associated with this transaction:
Document Description: Petition for Review
Original Filename: 17-1193_PFR.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=08/31/2018] [FileNumber=8864353-0]
[0e2aab380cb86a8e3fd9e7b622842ece29173cddd70182dbf5436cbd3771529eaf97b3e02d75d79045cabaae362c
6022fbb5ba74f2b9b47d78c106868d4ceec8]]

Document Description: Transfer Order of DC Circuit
Original Filename: 17-1193_Transfer Order.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=08/31/2018] [FileNumber=8864353-1]
[59c0988323ad54164158e6ebf0ea6213378be2b6fdf680c908452e806918a64df990827164097d9f832e3d7a9264aed5ebc891023ff3ae5417c879a419f436cd]]

Document Description: AG Trf Letter
Original Filename: /opt/ACECF/live/forms/alopez_1860619_8864353_AGTransferFromCircuit-DKTAGCYTRF_312.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=08/31/2018] [FileNumber=8864353-2]
[b04879406c011bd0c5a74838408c82df502ed7406403d1d0a59eac30c591065c200f66bcffee8236628ef202b8c45fd75097953a318cf17121978f0b202d185e]]
Recipients:

- Mr. Thomas Joseph Cmar
- Mr. Patton Dycus
- Mr. Matthew Gerhart
- Mr. Tsuki Hoshijima
- Mr. Matthew Z. Leopold
- Mr. Martin Francis McDermott
- Mr. Scott Pruitt, Administrator
- Ms. Casey Austin Roberts
- Mr. Joshua Smith
- Mr. Andrew Wheeler

Message

From: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
Sent: 3/19/2018 8:13:58 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)
Attachments: ENV_DEFENSE-#837916-v1-CWA_IV_opp_to_renewed_motion_for_abeyance.docx

Sure, here it is.

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Monday, March 19, 2018 4:09 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

[redacted]

Thanks!
Jessica

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Monday, March 19, 2018 3:59 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

[redacted]

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Zomer, Jessica [mailto:Zomer.Jessica@epa.gov]
Sent: Monday, March 19, 2018 3:53 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

[redacted]

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Monday, March 19, 2018 3:38 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>

Cc: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

[redacted]

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Zomer, Jessica [mailto:Zomer.Jessica@epa.gov]
Sent: Monday, March 19, 2018 3:33 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

[redacted]

[redacted]

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Monday, March 19, 2018 3:11 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Subject: FW: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

Jessica, Mary Ellen – what does [redacted]

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Hoshijima, Tsuki (ENRD)
Sent: Monday, March 19, 2018 3:01 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: FW: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

Jessica, any thoughts on MaryEllen's point?

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Monday, March 19, 2018 2:58 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>

Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: RE: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)

Here are my comments. [redacted]

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Zomer, Jessica
Sent: Monday, March 19, 2018 2:14 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: Please Review: Draft Opp to Motion for Abeyance (5th Cir/Postponement Rule litigation)
Importance: High

Mary Ellen,

[redacted]

Thanks,
Jessica

From: Hoshijima, Tsuki (ENRD) [mailto:Tsuki.Hoshijima@usdoj.gov]
Sent: Monday, March 19, 2018 1:22 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

Jessica, here it is.

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Thursday, March 15, 2018 3:53 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

Thanks for understanding!

From: Hoshijima, Tsuki (ENRD) [mailto:Tsuki.Hoshijima@usdoj.gov]
Sent: Thursday, March 15, 2018 3:51 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Thursday, March 15, 2018 3:48 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

[redacted]

Jessica Hall Zomer

Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460
Tel. (202) 564-3376 | **zomer.jessica@epa.gov**

From: Hoshijima, Tsuki (ENRD) [mailto:Tsuki.Hoshijima@usdoj.gov]
Sent: Thursday, March 15, 2018 3:32 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Thursday, March 15, 2018 3:23 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

[redacted]

Thanks!
Jessica

From: Hoshijima, Tsuki (ENRD) [mailto:Tsuki.Hoshijima@usdoj.gov]
Sent: Tuesday, March 13, 2018 3:14 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

The petitioners renewed their motion for abeyance today. [redacted]

[redacted]

From: cmecf_caseprocessing@ca5.uscourts.gov [mailto:cmecf_caseprocessing@ca5.uscourts.gov]
Sent: Tuesday, March 13, 2018 2:26 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: 18-60079 Clean Water Action, et al v. EPA, et al "Motion Filed on Behalf of Party stay case 5th Circuit Court of Appeals"

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 03/13/2018 at 1:25:57 PM CDT and filed on 03/13/2018

Case Name: Clean Water Action, et al v. EPA, et al
Case Number: 18-60079
Document(s): Document(s)

Docket Text:
OPPOSED MOTION filed by Petitioners Clean Water Action, Sierra Club and Waterkeeper Alliance, Incorporated*Environmental Integrity Project, PennEnvironment, Inc., Chesapeake Climate Action Network, Physicians for Social Responsibility, Chesapeake, Inc., and Prairie Rivers Network* to stay further proceedings in this court. Reason: Hold case in abeyance pending a decision on pending motions in Clean Water Action v. Pruitt, Case No. 17-cv-00817 (DLF) (D.D.C.). Date of service: 03/13/2018 via email - Attorney for Intervenors: Bulleit, Johnson, McHugh; Attorney for Petitioners: Clark-Leach, Cmar, Gerhart, Roberts, Smith; Attorney for Respondents: Hoshijima, McDermott; US mail - Attorney for Petitioner: Dycus; Attorney for Respondent: Garbow [18-60079] (Thomas Joseph Cmar)

Notice will be electronically mailed to:

Mr. Martin Francis McDermott: martin.mcdermott@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV
Ms. Kristy A. N. Bulleit, Counsel: kbulleit@[redacted] bpotter@[redacted], smoore@[redacted]
Mr. Gabriel Paul Clark-Leach: gclark-leach@[redacted]
Mr. Joshua Smith: joshua.smith@[redacted] auren.hogrewe@[redacted]
Mr. Harry Margerum Johnson, III: pjohnson@[redacted] tmchugh@[redacted]
Mr. Thomas Joseph Cmar: tcmar@[redacted] fchampenois@[redacted], gwinick@[redacted]
Mr. Matthew Gerhart: megerhart@[redacted]
Ms. Casey Austin Roberts: casey.roberts@[redacted] casey.roberts@[redacted]
kathleen.krust@sierraclub.org, adela.jones[redacted]
Mr. Timothy Louis McHugh: tmchugh@[redacted]
Mr. Tsuki Hoshijima: tsuki.hoshijima@usdoj.gov

NOTICE WILL BE DELIVERED BY OTHER MEANS TO:

Mr. Avi S. Garbow
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460

Mr. Patton Dycus
Environmental Integrity Project
1000 Vermont Avenue, N.W.
Washington, DC 20005

The following document(s) are associated with this transaction:
Document Description: Motion Filed on Behalf of Parties
Original Filename: 3410 5th Cir Motion for abeyance_Final-031318.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=03/13/2018] [FileNumber=8725002-0] [9cc636f982e5615cfa1f243a5b55670e1912685f3983c7f695050beb1e1e3a9c662ffefd2bee7d7641b12790231db566796d982244e03889f6d4f1d45c5c4af9]]

Message

From: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
Sent: 6/18/2018 10:02:18 PM
To: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Witt, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fbcc13f5878c4ef4b7b880de0221b9f9-RWITT]; Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: ENV_DEFENSE-#837311-v1-DN_1720468_RESPONSE_IN_OPPOSITION__1720468__to_mo....pdf; ENV_DEFENSE-#836330-v1-DN_1718714_MOTION__1718714__to_remove_case_from_a....pdf; ENV_DEFENSE-#837710-v1-DN_1721528_REPLY__1721528__filed_by_EPA_and_E__Sc....pdf

Hi Bob,

Here is the Fifth Circuit briefing schedule:
July 12, 2018: Petitioners' Brief
September 17, 2018: Respondents' Brief
October 17, 2018: Intervenor UWAG's Brief
November 16, 2018: Petitioners' Reply Brief
December 6, 2018: Joint Appendix

[redacted]

[redacted]

Tsuki

From: Lundman, Robert (ENRD)
Sent: Monday, June 18, 2018 2:43 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: thanks for your responses!

[redacted]

Thanks!

Bob

From: O'Donnell, Jessica (ENRD)
Sent: Monday, June 18, 2018 9:42 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob -

[redacted]

Jessica

Sent from my iPhone

On Jun 18, 2018, at 9:13 AM, Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV> wrote:

> Hello again: I've added Mary Ellen and Richard to the email, as it appears Jessica Zomer is on leave. Thanks!
>
> Bob
>
> ---
>
> **From:** Lundman, Robert (ENRD)
> **Sent:** Monday, June 18, 2018 9:08 AM
> **To:** O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; 'zomer.jessica@epa.gov' <zomer.jessica@epa.gov>
> **Subject:** FW: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
>
> Hi all: As Jessica O. and Tsuki have heard, I am the ENRD appellate attorney assigned to this appeal. I look forward to working with all of you!
>
> Thom Cmar sent the email below this morning. [redacted]

Bob

Robert J. Lundman
Environment and Natural Resources Division
U.S. Department of Justice
Phone: 202-514-2496

From: Thomas Cmar <tcmar@
Sent: Monday, June 18, 2018 7:49 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I see that you recently appeared on behalf of EPA in the above-captioned matter. I am writing on behalf of the Appellants to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you likely know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if EPA will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

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Message

From: Eitel, Michael (ENRD) [Michael.Eitel@usdoj.gov]
Sent: 5/18/2018 8:29:36 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: ELG - DAZ Reply to Response to Motion
Attachments: 24_ELG REPLY MTD.PDF

All,

Here is the reply brief, filed today. Thank you all for the help in getting this together. Will keep you posted of any developments. Thanks,

Mike

From: azddb_responses@azd.uscourts.gov <azddb_responses@azd.uscourts.gov>
Sent: Friday, May 18, 2018 2:24 PM
To: azddb_nefs@azd.uscourts.gov
Subject: Activity in Case 4:18-cv-00050-JAS Center for Biological Diversity v. Pruitt et al Reply to Response to Motion

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered by Eitel, Michael on 5/18/2018 at 1:23 PM MST and filed on 5/18/2018

Case Name: Center for Biological Diversity v. Pruitt et al
Case Number: 4:18-cv-00050-JAS
Filer: E Scott Pruitt
United States Environmental Protection Agency
Document Number: 24

Docket Text:
REPLY to Response to Motion re: [11] MOTION to Dismiss for Lack of Jurisdiction filed by E Scott Pruitt, United States Environmental Protection Agency. (Eitel, Michael)

4:18-cv-00050-JAS Notice has been electronically mailed to:

Andrew J Turner aturner@[redacted], sfisher@[redacted]

Bradley Joseph Glass brad.glass@[redacted] cyn.carlo@[redacted] joanne.hartley@[redacted]

Hannah MM Connor hconnor@[redacted], jtaylor@[redacted]

Harry M Johnson , III pjohnson@[redacted] sterrell@[redacted]

Jennifer Lynn Loda jloda@[redacted], celkins@[redacted]

Kerry L McGrath kmcgrath@[redacted]

Kristy AN Bulleit kbulleit@[redacted] bpotter@[redacted], smoore@[redacted]

Michael R Eitel michael.eitel@usdoj.gov, efile_wmrs.enrd@usdoj.gov

Robert Ukeiley RUKEILEY@[redacted]

Timothy Louis McHugh tmchugh@[redacted]

4:18-cv-00050-JAS Notice will be sent by other means to those listed below if they are affected by this filing:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1096393563 [Date=5/18/2018] [FileNumber=17674293-0] [1181ef7c1955b372d13e2c888ddbc27a6fcd9cbf45bd1fded018665fd9cc9e5af6c4bbcd13a5835de8c4c43a78acd6d62dae6a12518654e6b3aa91539fc93427]]

Message

From: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
Sent: 6/18/2018 2:45:34 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
CC: Witt, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fbcc13f5878c4ef4b7b880de0221b9f9-RWITT]; Neugeboren, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfd837ac503949a9820715b53ba921e6-SNEUGEBO]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Monday, June 18, 2018 10:31 AM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Witt, Richard <Witt.Richard@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Jessica is now out on maternity leave (she had her baby, a little boy), so I am taking her off the e mail chain.

[redacted]

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Monday, June 18, 2018 9:42 AM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Cc: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Witt, Richard <Witt.Richard@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob -

[redacted]

[redacted]

Jessica

Sent from my iPhone

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> Hello again: I've added Mary Ellen and Richard to the email, as it appears Jessica Zomer is on leave. Thanks!
>
> Bob
>
> ---
>
> **From:** Lundman, Robert (ENRD)
> **Sent:** Monday, June 18, 2018 9:08 AM
> **To:** O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; 'zomer.jessica@epa.gov' <zomer.jessica@epa.gov>
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>
> [redacted]
>
> [redacted]
>
> Bob
>
> Robert J. Lundman
> Environment and Natural Resources Division

U.S. Department of Justice
Phone: 202-514-2496

From: Thomas Cmar <tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I see that you recently appeared on behalf of EPA in the above-captioned matter. I am writing on behalf of the Appellants to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you likely know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

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Could you let me know if EPA will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

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Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/26/2018 7:56:05 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: APPELLATE-#370658-v1-Clean_Water_Action_--_order_holding_appeal_in_abeyance_11-20-18.PDF

Hi all: hope you had a great Thanksgiving! [redacted] Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Monday, November 19, 2018 12:16 PM
To: 'Levine, MaryEllen' <levine.maryellen@epa.gov>
Cc: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Bob

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Sunday, November 18, 2018 7:59 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Sent from my iPhone

On Nov 18, 2018, at 7:36 AM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Saturday, November 17, 2018 10:50 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott,

Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

On Nov 16, 2018, at 6:59 PM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

Hi all—just got this from plaintiffs. [redacted] Thanks!

Sent from my iPhone

Begin forwarded message:

From: Thomas Cmar <tcmar@[redacted]
Date: November 16, 2018 at 6:35:50 PM EST
To: "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Johnson, Harry M. Pete" <pjohnson@[redacted]
Cc: "Bulleit, Kristy" <kbulleit@[redacted]>, "McHugh, Timothy L." <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I'm sorry for the delay in responding – I had meant to get back to you earlier today but then got caught up in another filing we had due. Thanks again for drafting this motion. We had some edits just to clarify our position a bit. Please let me know if you have any questions or comments about them.

Best,

Thom

From: Thomas Cmar
Sent: Wednesday, November 14, 2018 12:29 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Bob – we will review and get back to you with edits as soon as we can.

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, November 14, 2018 11:56 AM
To: Thomas Cmar <tcmar@[redacted]>; Johnson, Harry M. Pete

<pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: here's the draft joint motion. If you can let me know if it's ok by Friday afternoon, then I can get final clearance here for filing on Monday. If there are any changes on my end on Monday, I will send it back to you for final signoff. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 14, 2018 10:27 AM
To: 'Thomas Cmar' <tcmar@[redacted]; 'Johnson, Harry M. Pete' <pjohnson@[redacted]>
Cc: 'Bulleit, Kristy' <kbulleit@[redacted]; 'McHugh, Timothy L.' <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: Sorry that I'm behind schedule; hope to get the short draft out to you later today. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 7, 2018 4:33 PM
To: 'Thomas Cmar' <tcmar@[redacted]>; Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Thom—I will circulate a draft early next week. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@h[redacted]>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@h[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted], McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

The content image001.jpg of type has been blocked.

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in

abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@h[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@h[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted] brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

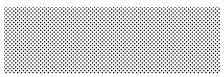
Thom,

UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete



The content image001.jpg of type has been blocked.

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

*please consider the environment before printing

<APPELLATE-#370297-v1-Clean_Water_Action_--_draft_joint_motion_re_abeyance (tc).DOC>

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 11/26/2018 3:00:10 PM
To: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: Re: Steam Postponement Rule reply brief

Thanks Tsuki!

On Nov 26, 2018, at 9:55 AM, Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov> wrote:

Please find attached. Thanks, and hope you had a great Thanksgiving.

Tsuki Hoshijima
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
202-514-3468
tsuki.hoshijima@usdoj.gov

<Steam reply brief.pdf>

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 4/18/2018 7:14:11 PM
To: Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Neugeboren, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfd837ac503949a9820715b53ba921e6-SNEUGEBO]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Dierker, Carl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1f9b7627f8e4efab65f9e9513bf323e-Dierker, Carl]; Ford, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c6fc53724d844fcaaa1a36982c3df4d-PFORD]; Murphy, Thelma (Hamilton) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=09a58a530a174f6793d0cc38ee2f31e1-Murphy, Thelma]; Moraff, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6170ef3baef40c3bdecab56fd74b07a-Moraff, Kenneth]; Flannery-Keith, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5bd351c4e79145438b3fa7a4cef79665-Flannery, Erin]; Utting, George [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9289b2b07ef42b795e04ea84cff7344-gutting]; Tedder, Newton [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c57ad35a52504bfeb9ae6bf5056b0244-Tedder, Newton]; Dunn, Alexandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=426d0177eaab4001a5c85f051565997e-Dunn, Alexa]; Sawyers, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49214552a00b4ab7b168ec0edba1d1ac-Sawyers, Andrew]; Gutierrez, Sally [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5a028e53f9c9437dbf25957863b4e13e-Gutierrez, Sally]; Klinger, Adam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=346d5466632f4967adc7169c8d2ce4fd-Klinger, Adam]; Kloss, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b69b73bdbcb54d8e95c616b40b8b6f1e-Kloss, Christopher]; Clay Kane [claykane@umich.edu]; Clovis, Debora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9bd5c6f5e9e545d7bfe7bcbcdb45db8a-dclovis]; Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; Warner, Suzanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6070d82d9e754f4eb229a2688b4fb20a-Warner, Suzanne]; Best-Wong, Benita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6ee79b3d0fc0429b99f2c05481b0b957-bbestwon]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]
CC: Campbell, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8c25a0c2fb648b6a947694a8492311e-Campbell, Ann]; Urban, Rachel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f8b23a9c4604cf891e79bdcf5460e5e-Herbert, Rachel]; Schaner, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a593793f39074509bcb7695d83d7014d-gschaner]; Farris, Erika D. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d37183fb40d3482187e8f179b5b85386-EFarris]; Dixon, Sean [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8660dcc366ca4c6faf8af23f1f29ec3b-Dixon, Sean]; Hamjian, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae94dc8c283d4a09bc7568935cdfc35a-Hamjian, Lynne]; McDonough, Owen [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=10a92c71b552413694fed6fa08522f4f-McDonough,]; Talty, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d939b0f66b9f45169fbc2da7519b2ef9-Talty, Mark]; Simons, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=652da36feb75460da864ef6504ae0f42-ASIMONS]

Subject: MA and NH Small MS4 Geneal Permits: Effective Date
Attachments: MA NH MS4 4_13_18.pdf; Briefing re MS4 stay_final.pdf
Location: 3233 WJCE; Call in 202-991-0477; passcode Conference Line/Code / Ex. 6

Start: 4/19/2018 2:00:00 PM
End: 4/19/2018 2:45:00 PM
Show Time As: Tentative

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 12/10/2017 1:58:04 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: Jessica.O'Donnell@usdoj.gov; martin.mcdermott@usdoj.gov
Subject: Brief
Attachments: ENV_DEFENSE-#828478-v2-swepco_draft_merits_brief_12_10_2017_jod_revisions.DOCX; ATT00001.htm

Sending the clean version to MEL too in case she hasn't started her review of the second half yet. Mary Ellen's this is a clean version from DOJ that incorporates my comments from yesterday.

Jessica

Begin forwarded message:

> **From:** "O'Donnell, Jessica (ENRD)" <Jessica.O'Donnell@usdoj.gov>
> **Date:** December 10, 2017 at 8:38:51 AM EST
> **To:** "'Zomer, Jessica'" <Zomer.Jessica@epa.gov>, "McDermott, Martin (ENRD)" <Martin.McDermott@usdoj.gov>
> **Subject: RE: Just got your voicemail**
>
> Here is a consolidated, clean version. [redacted]
>
> ---
>
> **From:** Zomer, Jessica [mailto:Zomer.Jessica@epa.gov]
> **Sent:** Saturday, December 9, 2017 6:06 PM
> **To:** O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
> **Subject:** Fwd: Just got your voicemail
>
> FYI Mary Ellen will look at the brief tomorrow
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Mary Ellen Levine <dclevines@[redacted]
> > **Date:** December 9, 2017 at 4:30:46 PM EST
> > **To:** Jessica Zomer <zomer.jessica@epa.gov>
> > **Subject: Just got your voicemail**
> >
> > It is fine to send the brief with your edits back to D o J; I will look at it tomorrow to engage in the one issue and see if there are any showstoppers. I am not available this evening and tonight.
> >
> > - Mary Ellen

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 11/19/2018 8:53:17 PM
To: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Bob!

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Monday, November 19, 2018 12:16 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks! Here's the filed version. [redacted]

Bob

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Sunday, November 18, 2018 7:59 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Sent from my iPhone

On Nov 18, 2018, at 7:36 AM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

[redacted]

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To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

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Hi all—just got this from plaintiffs. [redacted] Thanks!

Sent from my iPhone

Begin forwarded message:

From: Thomas Cmar <tcmar@[redacted]
Date: November 16, 2018 at 6:35:50 PM EST
To: "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Johnson, Harry M. Pete" <pjohnson@[redacted]
Cc: "Bulleit, Kristy" <kbulleit@[redacted], "McHugh, Timothy L." <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

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Best,

Thom

From: Thomas Cmar
Sent: Wednesday, November 14, 2018 12:29 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Johnson, Harry M. Pete <pjohnson@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted]cHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Bob – we will review and get back to you with edits as soon as we can.

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, November 14, 2018 11:56 AM
To: Thomas Cmar <tcmar@[redacted]; Johnson, Harry M. Pete <pjohnson[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: here's the draft joint motion. If you can let me know if it's ok by Friday afternoon, then I can get final clearance here for filing on Monday. If there are any changes on my end on Monday, I will send it back to you for final signoff. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 14, 2018 10:27 AM
To: 'Thomas Cmar' <tcmar@[redacted]>; 'Johnson, Harry M. Pete' <pjohnson@[redacted]>
Cc: 'Bulleit, Kristy' <kbulleit@[redacted]>; 'McHugh, Timothy L.' <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: Sorry that I'm behind schedule; hope to get the short draft out to you later today. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 7, 2018 4:33 PM
To: 'Thomas Cmar' <tcmar@[redacted]; Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Thom—I will circulate a draft early next week. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@[redacted]; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

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Best,

Thom

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Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

The content image001.jpg of type has been blocked.

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]McHugh, Timothy L. <TMcHugh@[redacted] Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted]; brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

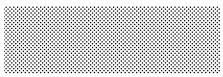
Thom,

UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete



The content image001.jpg of type has been blocked.

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's

September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email

message in error, please notify the sender by reply email and delete the message and any attachments.

*please consider the environment before printing

<APPELLATE-#370297-v1-Clean_Water_Action_--_draft_joint_motion_re_abeyance (tc).DOC>

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/19/2018 5:16:28 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: APPELLATE-#370523-v1-Clean_Water_Action_--_joint_motion_re_abeyance_as_filed.PDF

Thanks! Here's the filed version. [redacted]

Bob

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Sunday, November 18, 2018 7:59 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Sent from my iPhone

On Nov 18, 2018, at 7:36 AM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Saturday, November 17, 2018 10:50 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

On Nov 16, 2018, at 6:59 PM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

Hi all—just got this from plaintiffs. I haven't had a chance to review it yet. Thanks!

Sent from my iPhone

Begin forwarded message:

From: Thomas Cmar <tcmar@[redacted]>
Date: November 16, 2018 at 6:35:50 PM EST
To: "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Johnson, Harry M. Pete" <pjohnson@[redacted]
Cc: "Bulleit, Kristy" <kbulleit@[redacted] "McHugh, Timothy L." <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I'm sorry for the delay in responding -- I had meant to get back to you earlier today but then got caught up in another filing we had due. Thanks again for drafting this motion. We had some edits just to clarify our position a bit. Please let me know if you have any questions or comments about them.

Best,

Thom

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Cc: Bulleit, Kristy <kbulleit[redacted] McHugh, Timothy L. <TMcHugh@[redacted]>
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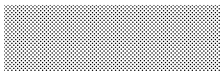

The content image001.jpg of type has been blocked.

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
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Richmond, VA 23219

HuntonAK.com

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To: Johnson, Harry M. Pete <pjohnson@[redacted]

Cc: Bulleit, Kristy <kbullei[redacted] McHugh, Timothy L. <TMcHugh@[redacted] Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

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To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted]>; brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

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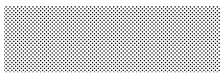

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Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

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We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the

issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g., Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

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Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

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*please consider the environment before printing

<APPELLATE-#370297-v1-Clean_Water_Action_--_draft_joint_motion_re_abeyance (tc).DOC>

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 4/9/2018 6:53:19 PM
To: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: RE: ENV_DEFENSE-#839799-v1-admin_jod_comments_steam_elg__status_report_2-20-18_JHZ_mel (003).DOCX
Attachments: ENV_DEFENSE-#839799-v1-admin_jod_comments_steam_elg__status_report_2-20-....docx

Martin,

This looks good. [redacted] Mary Ellen and my clients have also reviewed it. We don't [redacted]

Thanks again!
Jessica

From: McDermott, Martin (ENRD) [mailto:Martin.McDermott@usdoj.gov]
Sent: Friday, April 06, 2018 5:33 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Subject: ENV_DEFENSE-#839799-v1-admin_jod_comments_steam_elg__status_report_2-20-18_JHZ_mel (003).DOCX

JZ – please advise whether the attached is acceptable to EPA or if changes are in order. McD

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 6/20/2018 3:55:35 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
CC: Witt, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fbcc13f5878c4ef4b7b880de0221b9f9-RWITT]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: APPELLATE-#365850-v1-Clean_Water_Action_--_cert_as_to_parties_etc.doc

[redacted]. Thanks!

From: Lundman, Robert (ENRD)
Sent: Wednesday, June 20, 2018 11:54 AM
To: 'Levine, MaryEllen' <levine.maryellen@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: Witt, Richard <Witt.Richard@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Wednesday, June 20, 2018 11:48 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: Witt, Richard <Witt.Richard@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Wednesday, June 20, 2018 11:33 AM
To: Levine, MaryEllen <levine.maryellen@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Cc: Witt, Richard <Witt.Richard@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Wednesday, June 20, 2018 11:27 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: Witt, Richard <Witt.Richard@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Wednesday, June 20, 2018 9:44 AM
To: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Witt, Richard <Witt.Richard@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob

From: O'Donnell, Jessica (ENRD)
Sent: Tuesday, June 19, 2018 5:14 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Tsuki and Bob. notice.

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Hoshijima, Tsuki (ENRD)
Sent: Tuesday, June 19, 2018 5:05 PM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

From: Lundman, Robert (ENRD)
Sent: Tuesday, June 19, 2018 5:02 PM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Bob

From: Hoshijima, Tsuki (ENRD)
Sent: Tuesday, June 19, 2018 4:55 PM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

From: Lundman, Robert (ENRD)
Sent: Tuesday, June 19, 2018 11:29 AM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Bob

From: Hoshijima, Tsuki (ENRD)
Sent: Monday, June 18, 2018 6:02 PM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

Here is the Fifth Circuit briefing schedule:
July 12, 2018: Petitioners' Brief
September 17, 2018: Respondents' Brief
October 17, 2018: Intervenor UWAG's Brief
November 16, 2018: Petitioners' Reply Brief
December 6, 2018: Joint Appendix

[redacted]

Tsuki

From: Lundman, Robert (ENRD)
Sent: Monday, June 18, 2018 2:43 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Levine, MaryEllen <levine.maryellen@epa.gov>; witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: thanks for your responses!

[redacted]

Thanks!

Bob

From: O'Donnell, Jessica (ENRD)
Sent: Monday, June 18, 2018 9:42 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Levine, MaryEllen <levine.maryellen@epa.gov>;

witt.richard@epa.gov; zomer.jessica@epa.gov
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob -

[redacted]

I'm teleworking today. If you'd like to reach me, my cell is [redacted]

Jessica

Sent from my iPhone

On Jun 18, 2018, at 9:13 AM, Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV> wrote:

> Hello again: I've added Mary Ellen and Richard to the email, as it appears Jessica Zomer is on leave. Thanks!
>
> Bob
>
> ---
>
> **From:** Lundman, Robert (ENRD)
> **Sent:** Monday, June 18, 2018 9:08 AM
> **To:** O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; 'zomer.jessica@epa.gov' <zomer.jessica@epa.gov>
> **Subject:** FW: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
>
> Hi all: As Jessica O. and Tsuki have heard, I am the ENRD appellate attorney assigned to this appeal. I look forward to working with all of you!
>
> Thom Cmar sent the email below this morning. [redacted]
>
> [redacted]
>
> Bob

Robert J. Lundman
Environment and Natural Resources Division
U.S. Department of Justice
Phone: 202-514-2496

From: Thomas Cmar <tcmar@[redacted]>
Sent: Monday, June 18, 2018 7:49 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I see that you recently appeared on behalf of EPA in the above-captioned matter. I am writing on behalf of the Appellants to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you likely know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if EPA will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

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*please consider the environment before printing

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/16/2018 11:59:06 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: Fwd: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: ATT00001.txt; ATT00001.htm; ATT00002.txt; ATT00002.htm; APPELLATE-#370297-v1-Clean_Water_Action_--_draft_joint_motion_re_abeyance (tc).DOC; ATT00003.htm

Hi all—just got this from plaintiffs. [redacted] Thanks!

Sent from my iPhone

Begin forwarded message:

From: Thomas Cmar <tcmar@[redacted]
Date: November 16, 2018 at 6:35:50 PM EST
To: "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Johnson, Harry M. Pete" <pjohnson@[redacted]>
Cc: "Bulleit, Kristy" <kbulleit@[redacted] "McHugh, Timothy L." <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I'm sorry for the delay in responding – I had meant to get back to you earlier today but then got caught up in another filing we had due. Thanks again for drafting this motion. We had some edits just to clarify our position a bit. Please let me know if you have any questions or comments about them.

Best,

Thom

From: Thomas Cmar
Sent: Wednesday, November 14, 2018 12:29 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Johnson, Harry M. Pete <pjohnson@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Bob – we will review and get back to you with edits as soon as we can.

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, November 14, 2018 11:56 AM
To: Thomas Cmar <tcmar@[redacted] ohnson, Harry M. Pete <pjohnson@[redacted]

Cc: Bulleit, Kristy <kbulleit[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: here's the draft joint motion. If you can let me know if it's ok by Friday afternoon, then I can get final clearance here for filing on Monday. If there are any changes on my end on Monday, I will send it back to you for final signoff. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 14, 2018 10:27 AM
To: 'Thomas Cmar' <tcmar@[redacted]; 'Johnson, Harry M. Pete' <pjohns[redacted]
Cc: 'Bulleit, Kristy' <kbulleit@[redacted] McHugh, Timothy L.' <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: Sorry that I'm behind schedule; hope to get the short draft out to you later today. Thanks!

Bob

From: Lundman, Robert (ENRD)
Sent: Wednesday, November 7, 2018 4:33 PM
To: 'Thomas Cmar' <tcmar@[redacted]; Johnson, Harry M. Pete <pjoh[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Thom—I will circulate a draft early next week. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]>
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@[redacted] Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]>
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/16/2018 6:59:21 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Jessica—[redacted]
to respond[redacted]

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Friday, November 16, 2018 1:56 PM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob, have you h[redacted]

On Nov 14, 2018, at 12:15 PM, Zomer, Jessica <Zomer.Jessica@epa.gov> wrote:

[redacted]

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, November 14, 2018 10:29 AM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks!

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Wednesday, November 14, 2018 10:27 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thanks, Bob. [redacted]d
[redacted]

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, November 14, 2018 9:58 AM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]
too. Thanks!

Bob

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Wednesday, November 14, 2018 9:31 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob, can we [redacted]

Jessica

On Nov 7, 2018, at 4:06 PM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

[redacted]

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@[redacted]; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.

Best,

Thom

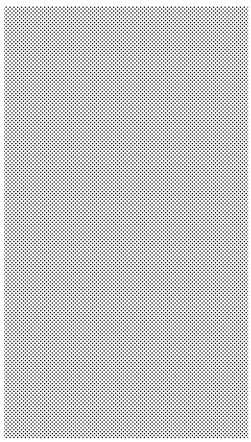
From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete



Harry M. Johnson, III
Partner
pjohnson[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit[redacted]McHugh, Timothy L. <TMcHugh@[redacted]; Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted] McHugh, Timothy L. <TMcHugh@[redacted] brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

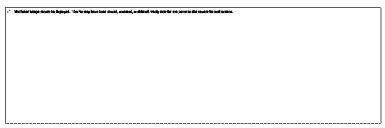
Thom,

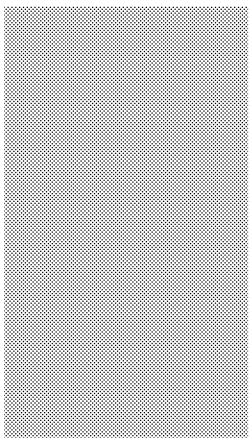
UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete





Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation

marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

*please consider the environment before printing

<mime-attachment>

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/14/2018 2:57:59 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: APPELLATE-#370297-v1-Clean_Water_Action_--_draft_joint_motion_re_abeyance.DOC

[redacted]

Bob

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Wednesday, November 14, 2018 9:31 AM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob, can we [redacted]

Jessica

On Nov 7, 2018, at 4:06 PM, Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov> wrote:

> [redacted]
> (attached). Thanks!
>
> Bob
>
> ---
>
> **From:** Thomas Cmar <tcmar@[redacted]>
> **Sent:** Wednesday, November 7, 2018 3:59 PM
> **To:** Johnson, Harry M. Pete <pjohnson[redacted]; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
> **Cc:** Bulleit, Kristy <kbulleit@[redacted]McHugh, Timothy L. <TMcHugh@[redacted]
> **Subject:** RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
>
> Hi Bob,
>
> I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.
>
> Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcm[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]>
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]oth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@[redacted]OV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit[redacted]McHugh, Timothy L. <TMcHugh@[redacted]
brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

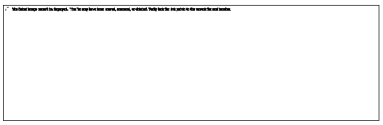
Thom,

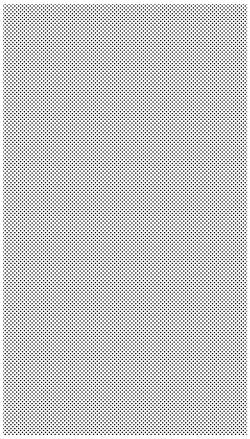
UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete





Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 A[redacted]
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's

April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

*please consider the environment before printing

<mime-attachment>

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 11/9/2017 9:30:27 PM
To: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Neugeboren, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfd837ac503949a9820715b53ba921e6-SNEUGEBO]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]
CC: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: RE: UWAG intent to move to intervene

[redacted]

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Thursday, November 09, 2017 4:27 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>
Cc: McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: RE: UWAG intent to move to intervene

[redacted]

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Neugeboren, Steven [mailto:Neugeboren.Steven@epa.gov]
Sent: Thursday, November 09, 2017 4:10 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: RE: UWAG intent to move to intervene

[redacted]

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Levine, MaryEllen
Sent: Thursday, November 9, 2017 3:46 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>

Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: RE: UWAG intent to move to intervene

[redacted]

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Zomer, Jessica
Sent: Thursday, November 09, 2017 3:38 PM
To: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: UWAG intent to move to intervene

[redacted]

Jessica

On Nov 9, 2017, at 3:08 PM, Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov> wrote:

> Hi Jessica, Pete sent the below email to the Petitioners yesterday. We haven't seen a reply from the Petitioners yet. What would EPA's position on UWAG's intervention be?
>
> Pete told us yesterday that he anticipates filing his motion to intervene and motion to transfer tomorrow. We anticipate filing ours on Monday.
>
> ---
>
> **From:** Johnson, Harry M. ("Pete") [mailto:pjohnson@[redacted]
> **Sent:** Wednesday, November 08, 2017 6:48 PM
> **To:** Thomas Cmar <tcmar[redacted] megerhart@gmail.com; pdycus@[redacted] casey.roberts@[redacted] joshua.smith@[redacted]
> **Cc:** O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]
> **Subject:** Clean Water Action, et al., v. Pruitt, et al., No. 17-1216 (DC Cir.): UWAG intent to move to intervene
>
> Counsel,
>
> We represent the Utility Water Act Group, which plans to file a motion to intervene in this DC Circuit case regarding the ELG Amendment, also known as the Postponement Rule. We are reaching out to you to determine whether your clients oppose the motion. Thank you for your consideration.

Regards,

<image003.jpg>

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton & Williams LLP
hunton.com

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 11/9/2017 8:38:03 PM
To: Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; Neugeboren, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfd837ac503949a9820715b53ba921e6-SNEUGEBO]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: UWAG intent to move to intervene

[redacted]

Jessica

On Nov 9, 2017, at 3:08 PM, Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov> wrote:

[redacted]

From: Johnson, Harry M. ("Pete") [mailto:pjohnson@[redacted]]
Sent: Wednesday, November 08, 2017 6:48 PM
To: Thomas Cmar <tcmar[redacted]>; megerhart@[redacted]; pdycus@[redacted]asey.roberts@[redacted]joshua.smith[redacted]
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Bulleit, Kristy <kbulle[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: Clean Water Action, et al., v. Pruitt, et al., No. 17-1216 (DC Cir.): UWAG intent to move to intervene

Counsel,

We represent the Utility Water Act Group, which plans to file a motion to intervene in this DC Circuit case regarding the ELG Amendment, also known as the Postponement Rule. We are reaching out to you to determine whether your clients oppose the motion. Thank you for your consideration.

Regards,

<image003.jpg>

Harry M. Johnson, III
Partner
[redacted]
bio | vCard

Hunton & Williams LLP
hunton.com

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/1/2018 7:05:02 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: RE: Motion to Govern in D.C. Circuit appeal of steam electric 705 stay decision

Thanks!

From: Zomer, Jessica <Zomer.Jessica@epa.gov>
Sent: Wednesday, October 31, 2018 7:52 PM
To: Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: Fwd: Motion to Govern in D.C. Circuit appeal of steam electric 705 stay decision

[redacted]

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** October 31, 2018 at 6:32:28 PM EDT
> **To:** "Zomer, Jessica" <Zomer.Jessica@epa.gov>
> **Cc:** "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>
> **Subject: RE: Motion to Govern in D.C. Circuit appeal of steam electric 705 stay decision**
>
> [redacted]
>
> **David Fotouhi**
>
> Principal Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> ---
>
> **From:** Zomer, Jessica
> **Sent:** Wednesday, October 31, 2018 1:44 PM
> **To:** Fotouhi, David <Fotouhi.David@epa.gov>
> **Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
> **Subject:** Motion to Govern in D.C. Circuit appeal of steam electric 705 stay decision
>
> David,
>
> [redacted]

Thanks,

Jessica Hall Zomer

Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460
Tel. (202) 564-3376 | **zomer.jessica@epa.gov**

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Tuesday, October 30, 2018 5:58 PM
To: Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: RE: 18-60619 Clean Water Action, et al v. EPA, et al "Dispositive Court Order granting dismiss petition for review for lack of jurisdiction"

Bob

From: Lundman, Robert (ENRD)
Sent: Thursday, October 18, 2018 10:35 AM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>; Zomer, Jessica (Zomer.Jessica@epa.gov) <Zomer.Jessica@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>
Subject: RE: 18-60619 Clean Water Action, et al v. EPA, et al "Dispositive Court Order granting dismiss petition for review for lack of jurisdiction"

Thanks and congratulations! Where do things stand in

Bob

From: Hoshijima, Tsuki (ENRD)
Sent: Thursday, October 18, 2018 10:15 AM
To: Zomer, Jessica (Zomer.Jessica@epa.gov) <Zomer.Jessica@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; McDermott, Martin (ENRD) <MMcDermott@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: FW: 18-60619 Clean Water Action, et al v. EPA, et al "Dispositive Court Order granting dismiss petition for review for lack of jurisdiction"

From: cmecf_caseprocessing@ca5.uscourts.gov <cmecf_caseprocessing@ca5.uscourts.gov>
Sent: Thursday, October 18, 2018 10:09 AM
To: Hoshijima, Tsuki (ENRD) <THoshijima@ENRD.USDOJ.GOV>
Subject: 18-60619 Clean Water Action, et al v. EPA, et al "Dispositive Court Order granting dismiss petition for review for lack of jurisdiction"

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United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 10/18/2018 at 8:46:44 AM CDT and filed on 10/18/2018

Case Name:	Clean Water Action, et al v. EPA, et al
Case Number:	18-60619
Document(s):	Document(s)

Docket Text:
COURT ORDER granting Motion to dismiss petition for review for lack of jurisdiction filed by Respondents EPA and Mr. Andrew Wheeler [8884881-2]. Judge: EHJ, Judge: JWE, Judge: KDE [18-60619] (LEF)

Notice will be electronically mailed to:

Mr. Gabriel Paul Clark-Leach: gclark-leach@[redacted]
Mr. Thomas Joseph Cmar: tcmar@[redacted], fchampenois@[redacted], gwinick@[redacted]
Mr. Matthew Gerhart: megerhart@[redacted]
Mr. Tsuki Hoshijima: tsuki.hoshijima@usdoj.gov, jessica.o'donnell@usdoj.gov
Mr. Martin Francis McDermott: martin.mcdermott@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV
Ms. Casey Austin Roberts: casey.roberts@sierraclub.org, casey.roberts@s[redacted] lauren.hogrewe@[redacted]
Mr. Joshua Smith: joshua.smith@s[redacted], lauren.hogrewe@[redacted]

NOTICE WILL BE DELIVERED BY OTHER MEANS TO:

Mr. Patton Dycus
Environmental Integrity Project
1000 Vermont Avenue, N.W.
Washington, DC 20005

Mr. Matthew Z. Leopold
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: MDT-1 Letter
Original Filename: /opt/ACECF/live/forms/LisaFerrara_1860619_8900117_MandateIssued-MDT-1ag,tax_375.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=10/18/2018] [FileNumber=8900117-1] [8e3c10d3dc33ba3bbd3ad5cb4e2dce9de8027e4edba4f75bd25b463f093f406355933876dc510ac5517d26892795710b183f1ea3d5ad4e790f19298506cde019]]
Recipients:

- Mr. Gabriel Paul Clark-Leach
- Mr. Thomas Joseph Cmar
- Mr. Patton Dycus
- Mr. Matthew Gerhart
- Mr. Tsuki Hoshijima
- Mr. Matthew Z. Leopold
- Mr. Martin Francis McDermott
- Ms. Casey Austin Roberts
- Mr. Joshua Smith

Document Description: Dispositive Court Order
Original Filename: 18-60619_Electronic Order #01.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=10/18/2018] [FileNumber=8900117-0] [074286852852057644f9d7c7e5b58e8f8193fd1fd2a3b15f35fa24ab0bcf04a54fa7df8221312fac931bde44

Jessica Hall Zomer

Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460
Tel. (202) 564-3376 | zomer.jessica@epa.gov

Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 10/31/2018 2:21:05 PM
To: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
CC: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
Subject: FW: ELG - Order Dismissing Case
Attachments: ELG - Judgment.pdf; ELG - Order Dismissing case.pdf

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From: Eitel, Michael (ENRD) [mailto:Michael.Eitel@usdoj.gov]
Sent: Monday, October 29, 2018 7:38 PM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Hoshijima, Tsuki (ENRD) <Tsuki.Hoshijima@usdoj.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Flax, Meredith (ENRD) <Meredith.Flax@usdoj.gov>; Barsky, Seth (ENRD) <Seth.Barsky@usdoj.gov>
Subject: ELG - Order Dismissing Case

All – the Court issued the attached order today dismissing the case, and the court entered judgment in our favor. Thanks everyone for your help with this.
Mike

From: azddb_responses@azd.uscourts.gov <azddb_responses@azd.uscourts.gov>
Sent: Monday, October 29, 2018 5:20 PM
To: azddb_nefs@azd.uscourts.gov
Subject: Activity in Case 4:18-cv-00050-JAS Center for Biological Diversity v. Pruitt et al Order on Motion to Dismiss/Lack of Jurisdiction

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U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered on 10/29/2018 at 4:20 PM MST and filed on 10/29/2018

Case Name: Center for Biological Diversity v. Pruitt et al
Case Number: 4:18-cv-00050-JAS
Filer:
Document Number: 34

Docket Text:
ORDERED that the Federal Defendants' and the UWAG's [11], [27] Motions to Dismiss are granted. This case is dismissed. The Clerk of Court shall enter judgment and close the file in this case. Signed by Judge James A Soto on 10/29/2018. (BAR)

4:18-cv-00050-JAS Notice has been electronically mailed to:

Robert Ukeiley RUKEILEY@BIOLOGICALDIVERSITY.ORG, ehp_docs@biologicaldiversity.org

Harry M Johnson, III pjohnson@HuntonAK.com, sterrell@HuntonAK.com

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4:18-cv-00050-JAS Notice will be sent by other means to those listed below if they are affected by this filing:

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Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1096393563 [Date=10/29/2018] [FileNumber=18335498-0] [3b784af7a701caf4e5a39943e650ae7fc08ec40cb5ca9092077042b830859038c01d2ac2c159e22eb9c90206eb89c21e039ba0d26c66786553b81205f61bfecc]]

Appointment

From: ODea, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ODEA, ELISE
Sent: 11/8/2017 3:13:13 PM
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=1420f26c78b344389771acde30f2368c-WOKOYE]; Trawick, Matthew [/o=ExchangeLabs/o
(FYDIBOHF23SPDLT)/cn=Recipients/cn=d2cdc821c2414bc7ac512bde5b73d997-Schwartz, Paul]; Nichols, Nathanael [/o=Exchange
(FYDIBOHF23SPDLT)/cn=Recipients/cn=1877bf3ba2b4413684dde30ebccf6309-Stein, Mark]; Garrett, Shellita [/o=ExchangeLabs/
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c818363088ca49878e534da81c7d9e6e-DOLPH, BECKY]; Srinivasan, Gautam [/o=Exchang
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c2dcfe2f3b0046408d6a1c0b22812817-SWOLFSON]; Christenson, Kara [/o=ExchangeLabs
(FYDIBOHF23SPDLT)/cn=Recipients/cn=29c8aea69cd647a3971cf025634c5ee9-CKawakam]

Subject: OGC Brown Bag - Litigation During Regulatory Change: The Clean Water Act, Administrative Procedure Act, and Steam Electric Ru
Attachments: OGC Brown Bag - Litigation During Regulatory Change.pptx
Location: DCRoomWJCN 4045; Conf. line (866) 299-3188, code 2025647382#

Start: 11/9/2017 5:00:00 PM
End: 11/9/2017 6:00:00 PM
Show Time As: Tentative

Please join OGC's Water Law Office for a discussion of litigation involving EPA's decision to delay and reconsider the 2015 steam electric rule.

Adobe Connect link to view PowerPoint: http://epawebconferencing.acms.com/brownbagogc/

Message

From: Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]
Sent: 11/7/2018 9:06:24 PM
To: Zomer, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5c30484c1704ec79addf362bf776ed6-Hall, Jessica]; Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]; McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Hoshijima, Tsuki (ENRD) [Tsuki.Hoshijima@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: FW: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)
Attachments: ATT00001.txt; RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

[redacted]

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, November 7, 2018 3:59 PM
To: Johnson, Harry M. Pete <pjohnson@[redacted]; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Bob,

I've now had a chance to close the loop with everyone on Appellants' end, and we are in agreement with your proposal as well. Thanks for offering to take the lead on drafting a joint filing.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]>
Sent: Tuesday, November 6, 2018 6:36 PM
To: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted]>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi all: the Fifth Circuit's ruling granting EPA's motion to dismiss the petition as moot (5th Cir. No. 18-60619) means that the parties in the DC Circuit appeal have to file motions to govern future proceedings by November 19. I thought it made sense to at least explore whether we can agree on a joint motion. It's EPA's position that the Fifth Circuit's ruling controls the mootness issue on appeal in the DC Circuit. As to the other issue, EPA thinks it makes sense to continue to hold the appeal in abeyance pending Fifth Circuit action in 18-60079. If we all agree on this, I'm happy to draft a short joint motion and circulate it. If it would be helpful to discuss this, that sounds good as well. Tomorrow is bad for me, but early next week is pretty open. Thanks!

Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted] Toth, Brian (ENRD) <BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

Thanks for your email on this. We are still pulling together a final version of the motion, but we do not intend to say anything about the impact of the Fifth Circuit decision beyond what I said in my original email below. I.e., that if the Fifth Circuit issues a decision on the merits of our Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

I've now heard from Bob that EPA will likely be filing a response to the motion, so at this point I think it's probably best for us to file and UWAG can decide whether it also wants to weigh in with the court. Based on your email, I plan to represent UWAG's position as, "UWAG takes no position and reserves the right to file a response after reviewing the motion." But please let me know if that's not an accurate representation.

We don't plan to file until later this afternoon, and I would be happy to talk before then if that would be helpful.

Best,

Thom

From: Johnson, Harry M. Pete <pjohnson@[redacted]
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit[redacted]; McHugh, Timothy L. <TMcHugh@[redacted]orian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thom,

UWAG has no objection to the concept of severing and holding in abeyance the issue regarding the district's court's denial of leave to amend and supplement. Can you clarify what you intend to say to the Court, if anything, about the impact of a 5th Circuit decision on the merits? That is, if the 5th Circuit upholds the jurisdiction of courts of appeals to rule on the merits of your claims about the postponement rule, do you intend at that point to return to the DC Circuit and argue otherwise?

In any event, as I say, we have no objection to severing and holding the issue in abeyance. I would, however, like to see the motion in advance before consenting, if that is feasible and agreeable. If not, you can represent that UWAG takes no position until it sees the motion.

Thanks,

Pete

Harry M. Johnson, III
Partner
pjohnson@[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

I am writing on behalf of Appellants in the above matter to confer concerning a procedural motion that we intend to make by this Wednesday, June 20.

We intend to request that the Court sever and hold in abeyance the issue in our appeal of the district court's denial of leave to amend and supplement our complaint to assert new claims challenging EPA's September 2017 rule delaying certain Effluent Limitation Guidelines compliance deadlines by two years (the "Delay Rule"). Our reason for seeking the abeyance is that, as you know, we are currently briefing the merits of the same claims in *Clean Water Action v. U.S. Environmental Protection Agency*, Case No. 18-60079 (5th Cir.).

We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g.*, *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice
1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

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*please consider the environment before printing

Message

From: Johnson, Harry M. Pete [pjohnson@[redacted]
Sent: 11/7/2018 12:35:59 AM
To: Lundman, Robert (ENRD) [RLundman@ENRD.USDOJ.GOV]; Thomas Cmar [tcmar@[redacted]
CC: Bulleit, Kristy [kbulleit@[redacted]; McHugh, Timothy L. [TMcHugh@[redacted]
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Bob,

UWAG agrees with your proposal.

Thanks,

Pete

HUNTON
ANDREWS KURTH

Harry M. Johnson, III
Partner
[redacted]

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Lundman, Robert (ENRD) [mailto:Robert.Lundman@usdoj.gov]
Sent: Thursday, November 01, 2018 3:06 PM
To: Thomas Cmar; Johnson, Harry M. Pete
Cc: Bulleit, Kristy; McHugh, Timothy L.
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

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Bob

From: Thomas Cmar <tcmar@[redacted]
Sent: Wednesday, June 20, 2018 11:41 AM
To: Johnson, Harry M. Pete <pjohnson@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]>; McHugh, Timothy L. <TMcHugh@[redacted] Toth, Brian (ENRD)

<BToth@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Hi Pete,

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From: Johnson, Harry M. Pete <pjohnson@[redacted]>
Sent: Tuesday, June 19, 2018 11:10 AM
To: Thomas Cmar <tcmar@[redacted]
Cc: Bulleit, Kristy <kbulleit@[redacted]; McHugh, Timothy L. <TMcHugh@[redacted] brian.toth@usdoj.gov; robert.lundman@usdoj.gov
Subject: RE: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Thom,

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Thanks,

Pete

HUNTON ANDREWS KURTH

Harry M. Johnson, III
Partner
pjohnson@[redacted]
p[redacted]
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Thomas Cmar [mailto:tcmar@[redacted]
Sent: Monday, June 18, 2018 7:49 AM
To: Johnson, Harry M. Pete; Bulleit, Kristy; McHugh, Timothy L.
Subject: Clean Water Action v. Pruitt, Case No. 18-5149 (D.C. Cir.)

Dear Counsel:

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We believe that holding our appeal of the jurisdiction issue in abeyance is appropriate pending the outcome of the Fifth Circuit proceeding is appropriate because, notwithstanding the district court's decision, the issue of whether district or appeals courts have original jurisdiction over the Delay Rule has not been finally resolved. For example, it is possible that the Fifth Circuit will, *sua sponte*, consider whether it has jurisdiction to review the Delay Rule and conclude that it does not, ruling instead that challenges to the Delay Rule must proceed in district courts. *See, e.g., Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) ("every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction") (internal quotation marks and citation omitted). In addition, at least one other party is challenging the Delay Rule in district court; in that case, pending in the District of Arizona, there are pending motions concerning this same jurisdictional issue. *See Center for Biological Diversity v. Pruitt*, Case No. 4:18-cv-00050-TUC-JAS. However, if the Fifth Circuit issues a decision on the merits of Appellants' Delay Rule claims, that would likely obviate the need for any further proceedings in the D.C. Circuit concerning those claims.

Please note that we are seeking an abeyance of their appeal of the district court's holding on their Delay Rule claims only. We are also appealing the district court's holding that our claims challenging EPA's April 2017 administrative stay of the ELG rule are moot. We will request that the Court set a briefing schedule on that issue.

Could you let me know if UWAG will take a position on our motion to sever and hold in abeyance our appeal on the Delay Rule claims? The favor of your reply by Wednesday at 12:00 Eastern would be much appreciated.

Please feel free to give me a call on my cell if you would like to discuss this matter by phone.

Thanks,

Thom Cmar

Thomas Cmar
Earthjustice

1101 Lake Street, Suite 405B
Oak Park, IL 60301
[redacted]

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

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Message

From: Zomer, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5C30484C1704EC79ADDF362BF776ED6-HALL, JESSICA]
Sent: 11/17/2017 5:01:17 PM
To: Levine, MaryEllen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f59ef87b9924425897c750435bad5522-MLEVINE]
CC: kate.bowers@usdoj.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd2122a94]; Ford, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c6fc53724d844fcaaa1a36982c3df4d-PFORD]
Subject: RE: Can you send steam motion to transfer to Pete and Kate
Attachments: Motion to Transfer.pdf

Yes, it's attached.

From: Levine, MaryEllen
Sent: Friday, November 17, 2017 11:34 AM
To: Zomer, Jessica <Zomer.Jessica@epa.gov>
Cc: kate.bowers@usdoj.gov; Ford, Peter <Ford.Peter@epa.gov>
Subject: Can you send steam motion to transfer to Pete and Kate

Sent from my iPhone

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 5/8/2018 5:41:05 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Elizabeth Gentile [elizabeth.gentile@erg.com]; Weatherill, Dominic J. [DJWEATHE@[redacted]]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: McVicar, Ashley M [AMMcVica@[redacted]]; Hill, Donna B. [DBHILL@[redacted]]; Hendricks, Scott [ASHENDRI@[redacted]]; Wilson, Jeff [JLWILSON@[redacted]]; Godfrey, Mike (Environmental) [JGODFREY@[redacted] Allen, Ashley [Allen.Ashley@epa.gov]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Danielle Lewis [Danielle.Lewis@erg.com]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Busy

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 4/2/2018 4:18:00 PM
To: Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Angie Lee [ALee@HEPN.com]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Caleb Steiner [CSteiner@[redacted]]; Matt Mabrey [Mmabrey@[redacted]]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Allen, Ashley [Allen.Ashley@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Sara Bossenbroek [Sara.Bossenbroek@erg.com]

Subject: Meeting with Hoosier Energy
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/9/2018 1:00:00 PM
End: 5/9/2018 4:30:00 PM
Show Time As: Busy

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

I Introductions
II Hoosier Energy Background
III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 7/17/2018 7:43:49 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Angie Lee [ALee@[redacted]
CC: Caleb Steiner [CSteiner@[redacted]; Matt Mabrey [Mmabrey@[redacted] Chen, Jimmy [Chen.Jimmy@epa.gov]; Allen, Ashley [Allen.Ashley@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Sara Bossenbroek [Sara.Bossenbroek@erg.com]
BCC: DCRoomWest6231F/DC-CCW-OST [DCRoomWest6231F@epa.gov]

Subject: Meeting with Hoosier Energy
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/9/2018 1:00:00 PM
End: 5/9/2018 4:30:00 PM
Show Time As: Busy

Recurrence: (none)

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

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III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Fabian Solberg/Eisenmann/US [Fabian.Solberg@e[redacted]
Sent: 7/17/2018 7:43:39 PM
To: Fabian Solberg/Eisenmann/US [Fabian.Solberg@[redacted]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Benware, Richard [Benware.Richard@epa.gov]; Elizabeth Gentile [elizabeth.gentile@erg.com]; Danielle Lewis [Danielle.lewis@erg.com]; Jordan, Ronald [Jordan.Ronald@epa.gov]; margarita.luis@[redacted] Vijay Suri/Eisenmann/US [vijay.suri@e[redacted]; yurong.li@[redacted]
CC: Larry Hudson/Eisenmann/US [Larry.Hudson@[redacted]

Subject: FW: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
Attachments: ATT00001.htm; c073415.ics; EUEC I5.2 FO for FGD to meet ELG.pdf

Start: 5/1/2018 3:00:00 PM
End: 5/1/2018 4:00:00 PM
Show Time As: Busy

Recurrence: (none)

-----Original Appointment-----
From: Fabian Solberg/Eisenmann/US [mailto:Fabian.Solberg@[redacted]
Sent: Monday, April 09, 2018 8:36 AM
To: Fabian Solberg/Eisenmann/US; Jordan, Ronald; margarita.luis@[redacted] Vijay Suri/Eisenmann/US; yurong.li@[redacted]
Cc: Larry Hudson/Eisenmann/US
Subject: Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview (May 1 10:00 AM CDT)
When: Tuesday, May 01, 2018 10:00 AM-11:00 AM Central.
Where:

Invitation: EPA-Eisenman-FTS Conference Call - Power ELG and OsmoBC Overview

05/01/2018 -

No Location Information

Fabian Solberg has invited you to a meeting. You have not yet responded.

Required: jordan.ronald@epa.gov, margarita.luis@[redacted] Vijay Suri/Eisenmann/US@EISENMANN, yurong.li@[redacted]

Optional: Larry Hudson/Eisenmann/US@EISENMANN

Description

(See attached file: EUEC I5.2 FO for FGD to meet ELG.pdf)
-- Do not delete or change any of the following text. --

JOIN WEBEX MEETING
https://meetingvisuals.webex.com/meetingvisuals/j.php?MTID[redacted]

Meeting number: [redacted]

JOIN BY PHONE
Call-in toll-free number: 1-888-8956448 (US/Canada)
Call-in number: 1-954-8926767 (US/Canada)
Show global numbers:
https://www.tcconline.com/offSite/OffSiteController.jpf?cc=[redacted]
Conference Code: [redacted]

Can't join the meeting?
https://help.webex.com/docs/DOC-5412

If you are a host, go here to view host information:
https://meetingvisuals.webex.com/meetingvisuals/j.php?MTID=md2c5053bdbf5afeda181787b9f13e47d

IMPORTANT NOTICE: Please note that this WebEx service allows audio and other information sent during the session to be recorded, which may be discoverable in a legal matter. By joining this session, you automatically consent to such recordings. If you do not consent to being recorded, discuss your concerns with the host or do not join the session.

Appointment

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 7/17/2018 7:43:35 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Elizabeth Gentile [elizabeth.gentile@erg.com]; Weatherill, Dominic J. [DJWEATHE@[redacted]
CC: McVicar, Ashley M [AMMcVica@[redacted]; Hill, Donna B. [DBHILL@[redacted]; Hendricks, Scott [ASHENDRI@[redacted]; Wilson, Jeff [JLWILSON@[redacted]; Godfrey, Mike (Environmental) [JGODFREY@[redacted]; Allen, Ashley [Allen.Ashley@epa.gov]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Danielle Lewis [Danielle.Lewis@erg.com]
BCC: DCRoomWest6231F/DC-CCW-OST [DCRoomWest6231F@epa.gov]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Appointment

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 7/17/2018 7:43:31 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; ndernik@[redacted] BCValenkamph@[redacted] jloewe@[redacted] gbaacke@[redacted]
CC: Elizabeth Gentile [Elizabeth.Gentile@erg.com]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Allen, Ashley [Allen.Ashley@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Karishma Kibria [karishma.kibria@pgenv.com]

Subject: Meeting with NIPSCO/NiSource
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/31/2018 5:30:00 PM
End: 5/31/2018 7:30:00 PM
Show Time As: Busy

Recurrence: (none)

NIPSCO / NiSource
ELG Data Request Follow-Up Meeting
Agenda
5/31/2018
1:30 PM Eastern

1) Introductions (15 min)

2) NIPSCO Submission (30 min)
a) Conditions
b) Results
c) NIPSCO's Interpretation
d) Questions

3) Concerns with Best Available Technology from the 2015 ELG Rule (45 min)
a) FGD Wastewater: Concerns with Bio-treatment
i) Intermittent or variable waste streams
ii) Long recovery from failure of system
iii) Cold weather climates
iv) Site specific cost analysis
v) Questions
b) Bottom Ash Transport Water: Concerns with prohibition of discharge
i) Only blowdown through FGD system
ii) Concerns during outage cleaning
iii) Concerns about system chemistry cycle up
iv) Reasonable, intermittent, controlled discharge could be managed
v) Questions

4) Compliance Timing (15 min)
a) Reasonable initial compliance date based on new requirements
b) Alternative Compliance Schedule
c) Questions

Appointment

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 7/24/2018 5:29:29 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Behan, Frank [Behan.Frank@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]; Ross Elliott (Elliott.Ross@epa.gov) [Elliott.Ross@epa.gov]; Miller, Jesse [Miller.Jesse@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Elizabeth Gentile [Elizabeth.Gentile@erg.com]
CC: Hill, Donna B. [DBHILL@[redacted] Craig, Nathan D [Nathan.Craig@[redacted] kellison@[redacted]; Gallagher, Benjamin J. [BJGALLAG@[redacted]; Pugh, John David [JDPUGH@[redacted]; Wilson, Jeff [JLWILSON@[redacted]; Preece, Jeffery [jpreece@[redacted]; Ryan Novak [Ryan.Novak@erg.com]; Ladwig, Ken [Keladwig@[redacted]; Hensel, Bruce [bhensel@[redacted]; Santoianni, Dawn [Dawn.Santoianni@[redacted]

Subject: CONFIRMED: Paste Landfills w/EPRI, Duke, Southern
Location: Conference Line

Start: 8/6/2018 2:00:00 PM
End: 8/6/2018 4:00:00 PM
Show Time As: Busy

Recurrence: (none)

Call In Number: 202.991.0477
Conference ID:[redacted]

AGENDA:

- Introductions
- Overview of flue gas desulfurization (FGD) wastewater [EPA]
  - 2015 steam electric effluent limitations guidelines (ELGs) and reconsideration
  - Water quality-based effluent limitations
  - Technologies that generate brine, and potential means for handling
- Brine management [EPRI/Duke/Southern]
  - How is brine managed?
  - What's the difference between ash conditioning and paste?
- Paste Overview {EPRI/Duke/Southern]
  - Use of paste in other industries
  - CCR paste characteristics
- Landfills vs. Surface Impoundments [EPRI/Duke/Southern]
  - Behavior of paste in landfills
  - Interactions with state regulators
  - Potential solutions
- Action items & next steps

Appointment

From: Shapiro, Mike [Shapiro.Mike@epa.gov]
Sent: 7/17/2018 8:05:49 PM
To: Shapiro, Mike [Shapiro.Mike@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Southerland, Elizabeth [Southerland.Elizabeth@epa.gov]; Wood, Robert [Wood.Robert@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Levine, MaryEllen [levine.maryellen@epa.gov]; Zomer, Jessica [Zomer.Jessica@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Rees, Sarah [rees.sarah@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Thundiyil, Karen [thundiyil.karen@epa.gov]; Covington, James [Covington.James@epa.gov]; Benware, Richard [Benware.Richard@epa.gov]; Allen, Ashley [Allen.Ashley@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Sandy Evalenko [s.evalenko@[redacted]; Pritts, Jesse [Pritts.Jesse@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]

Subject: Reconsideration of Steam Electric ELGs
Attachments: Reconsideration of Steam Electric ELGs.pdf_7_10-13_2017.pdf; Reconsiderbrief4July17.pptx
Location: 3233 WJCE Call in 1-866-299-3188 passcode[redacted]

Start: 7/17/2017 7:00:00 PM
End: 7/17/2017 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 7/17/2018 8:04:15 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Jackson, Mary [Jackson.Mary@epa.gov]; Behan, Frank [Behan.Frank@epa.gov]; vs002005@[redacted] [VShcherbina@[redacted]; Deborah Bartram [deborah.bartram@erg.com]; Elizabeth Gentile [elizabeth.gentile@erg.com]
CC: Cuff, Jalyse [cuff.jalyse@epa.gov]; Ryan Novak [Ryan.Novak@erg.com]
BCC: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR [DCRoomPYS5771-ORCR@epa.gov]

Subject: Website Data
Attachments: Closure Data for Impoundments.xlsx; NOI Data for Impoundments.xlsx; Liner Data for Impoundments.xlsx
Location: DCRoomPYS5771/DC-Potomac-Yard-South-ORCR

Start: 11/16/2017 4:30:00 PM
End: 11/16/2017 5:30:00 PM
Show Time As: Busy

Recurrence: (none)

Hi All,

This meeting is to discuss data available on the utilities' CCR websites, particularly those data elements in the attached Excel Spreadsheets.

number is 1-866-299-3188
conf code is [redacted]

Best,
-Richard

Appointment

From: Puski, Suzette [SPuski@[redacted]
Sent: 7/17/2018 8:04:12 PM
To: Puski, Suzette [SPuski@[redacted]; Hutchins, Jason [JHutchins@[redacted]Dougherty, Jim [jdougherty@[redacted] Benware, Richard [Benware.Richard@epa.gov]; Jordan, Ronald [Jordan.Ronald@epa.gov]; Chen, Jimmy [Chen.Jimmy@epa.gov]; Goldberg, Michael [Goldberg.Michael@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Deborah Bartram [deborah.bartram@erg.com]; Elizabeth Gentile [elizabeth.gentile@erg.com]
BCC: Conference Room 359 [marlborough_359@[redacted]

Subject: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code [redacted]
Location: Conference Room 359

Start: 11/16/2017 2:00:00 PM
End: 11/16/2017 3:00:00 PM
Show Time As: Busy

Recurrence: (none)

Call in 800-755-4399 Participant Code [redacted]
Discuss options to reduce and optimize FGD effluent discharge in preparation of ELG regulations.
We can also have the call 1 or 2 in the afternoon if that works better.
Suzette

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 5/7/2018 3:39:11 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Angie Lee [ALee@H[redacted]]
CC: Caleb Steiner [CSteiner@[redacted]; Matt Mabrey [Mmabrey@[redacted]]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Sara Bossenbroek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usercb23a552]

Subject: Meeting with Hoosier Energy
Location: DCRoomWest6231F/DC-CCW-OST

Start: 5/9/2018 1:00:00 PM
End: 5/9/2018 4:30:00 PM
Show Time As: Tentative

Agenda:
Wednesday, May 9, 2018 from 9:00am to 12:30pm

I Introductions
II Hoosier Energy Background
III EPA Objective/Perspective
IV ELG Compliance Timeline
V Bottom Ash Transport Water – Hoosier Preference
VI FGD Wastewater – Hoosier Preference
VII Closing Comments
VIII Adjourn

Appointment

From: Benware, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B2E011A22A44312A04299F118CC4D11-BENWARE, RICHARD]
Sent: 6/1/2018 7:44:31 PM
To: Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; Weatherill, Dominic J. [DJWEATHE@[redacted]
CC: McVicar, Ashley M [AMMcVica@[redacted]; Hill, Donna B. [DBHILL@[redacted]; Hendricks, Scott [ASHENDRI@[redacted]; Wilson, Jeff [JLWILSON@[redacted]]; Godfrey, Mike (Environmental) [JGODFREY@[redacted]]; Allen, Ashley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38f541491ef94ce5ae934b78a9e3b2a6-AAllen]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]

Subject: Meeting with Southern Company
Location: DCRoomWest6231F/DC-CCW-OST

Start: 6/6/2018 2:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Tentative

Agenda:

1. Introductions
2. APC and GPC Overview
3. ELG Compliance Status
4. Bottom Ash Transport Water
5. Scrubber Wastewater
6. Retirement Considerations
7. Schedule and Implementation

Message

From: Tzu-Lung Lin [tll@[redacted]
Sent: 12/12/2017 7:14:36 PM
To: Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]
CC: Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]; 'James Kim' [jsk@[redacted]; jonlib@[redacted] 'Dong Woo Kim' [dwk@[redacted]
Subject: Letter from EPA dated 11/28/2017
Attachments: 171211_BKT Engineering Meeting Notes.pdf; 140901 SRI final report.pdf

Dear Ron,

I hope all is well at your end.

We received the files you sent, reviewed them, and answered them to the best of our knowledge. There was some sensitive information which we had to request permissions from our clients before we could disclose to you. And unfortunately, some of requests was denied. Please see first attachment for our responses, addressed in BLUE, on the meeting note generated by ERG.

The second attachment was a report published by EPRI back in 2014, titled *Demonstration of a Vortex-Based Anti-Fouling Membrane System Treating Flue Gas Desulfurization Wastewater.* We thought it could help you to better understand the benefit of FMX technology for FGD application. The onsite pilot test took place at Water Research Center at Plant Bowen. A FMX S-10 (half of membrane surface area of S-20) industrial unit was used and it's permeate was further polished by conventional spiral-wound RO system. Please note that the chosen membrane FN-D50 is our internal code for Dow NF270.

I hope we have provided you with satisfactory answers and please don't hesitate to let us know if you have other questions or comments.

On a separate note, we will be speaking and exhibiting FMX technology at EUEC 2018 at San Diego from March 5 to 7. Do you have any plan to attend?

Thanks, and truly yours,

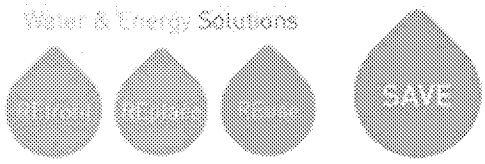
Tzu-Lung Lin | Engineering Director

1225 N. Patt St., Anaheim, CA 92801
Direct 714.578.0676 [redacted]

Mobile [redacted]
Fax 714.578.5963
Email tll@[redacted]

BKT | Innovation Beyond Waste

Water & Energy Solutions



Appointment

From: Puski, Suzette [SPuski@[redacted]
Sent: 11/13/2017 9:17:47 PM
To: Hutchins, Jason [JHutchins@[redacted]; Dougherty, Jim [jdougherty@[redacted] Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Jordan, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7b8e2766b3e4f29a86a3893d65023ff-RJordan]; Chen, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50ce166307474ab680acfe756fdeeedc-JCHEN04]; Goldberg, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a00911315f0454f96207f58253f0e41-Goldberg, M]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Deborah Bartram [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user48d816df]; Elizabeth Gentile [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3340e206]

Subject: ELG and FGD flow optimization - Call in 800-755-4399 Participant Code[redacted]
Location: Conference Room 359

Start: 11/16/2017 2:00:00 PM
End: 11/16/2017 3:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Call in 800-755-4399 Participant Code [redacted]
Discuss options to reduce and optimize FGD effluent discharge in preparation of ELG regulations.
We can also have the call 1 or 2 in the afternoon if that works better.
Suzette

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 6/15/2018 5:52:12 PM
To: jan.mat@[redacted]
Subject: Fwd: Revised Steam Electric ELG Briefing
Attachments: 2018_06_14_Steam Electric ELG Option Selection DRAFT.PPTX; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Benware, Richard" <Benware.Richard@epa.gov>
Date: June 14, 2018 at 4:54:02 PM EDT
To: "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Matuszko, Jan" <Matuszko.Jan@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Scozzafava, MichaelE" <Scozzafava.MichaelE@epa.gov>, "Jordan, Ronald" <Jordan.Ronald@epa.gov>, "Allen, Ashley" <Allen.Ashley@epa.gov>, "Covington, James" <Covington.James@epa.gov>, "Chen, Jimmy" <Chen.Jimmy@epa.gov>, "Cuff, Jalyse" <cuff.jalyse@epa.gov>, "Goldberg, Michael" <Goldberg.Michael@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>
Cc: "Crawford, Tiffany" <Crawford.Tiffany@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Subject: Revised Steam Electric ELG Briefing

Hi All,

Here are the updated slides incorporating everyone's comments. Please let me know if you have any final comments by lunchtime tomorrow.

Best,
-Richard

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 6/8/2018 10:20:40 AM
To: jan.mat@[redacted]
Subject: Fwd: Agenda for Meeting with OGWDW re: halides
Attachments: Proposed Draft Agenda_OST_EAD_OGWDW_SRMD_Br.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Chen, Jimmy" <Chen.Jimmy@epa.gov>
Date: June 7, 2018 at 2:17:16 PM EDT
To: "Matuszko, Jan" <Matuszko.Jan@epa.gov>
Cc: "Benware, Richard" <Benware.Richard@epa.gov>, "Allen, Ashley" <Allen.Ashley@epa.gov>
Subject: RE: Agenda for Meeting with OGWDW re: halides

All,

Here is a proposed draft agenda for this meeting. See attached for a long version.

Proposed Draft Agenda for Br Discussion @ SRMD/OGWDW and EAD/OST

- Introduction/Purposes of Meeting
- Industrial Br releases
  - Focusing on Release from Coal-fired Power Plants
- Overview of Steam Electric Effluent Limitation Guidelines (ELGs)
- Impacts of Br Release on Downstream Water Facilities
  - health risks vs costs
- Options for Reducing Br Release from Power Plants
- Options for Reducing DBP levels at Elevated Br Levels
- Challenges and Ideas of Addressing Br Issues
  - considering site-specific conditions
- Areas for Collaboration
- Next Step

Please let me know your feedback. Thanks.

Jimmy

From: Matuszko, Jan
Sent: Thursday, June 07, 2018 10:39 AM
To: Chen, Jimmy <Chen.Jimmy@epa.gov>
Cc: Benware, Richard <Benware.Richard@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>
Subject: Agenda for Meeting with OGWDW re: halides

Jimmy,

I think our meeting will be more productive with an agenda that outlines the topics we really want to convey and any questions/asks we have of them. I think you are best suited to draft that agenda. Any chance you can send a draft agenda to the recipients of this e-mail today so we can finalize by early Monday?

Jan

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 10/31/2018 11:01:01 AM
To: jan.mat@[redacted]
Subject: Fwd: Please don't forget to send me the draft briefing package
Attachments: Steam Electric ELG Option Selection 10_30_2018 DRAFT.PPTX; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Benware, Richard" <Benware.Richard@epa.gov>
> **Date:** October 30, 2018 at 5:15:56 PM EDT
> **To:** "Matuszko, Jan" <Matuszko.Jan@epa.gov>
> **Subject: RE: Please don't forget to send me the draft briefing package**
>
> Here's the current draft. I already made a few changes to your suggestion and added some appendix slides.
>
> ---
>
> **From:** Matuszko, Jan
> **Sent:** Tuesday, October 30, 2018 1:44 PM
> **To:** Benware, Richard <Benware.Richard@epa.gov>
> **Subject:** Please don't forget to send me the draft briefing package
>
> I am working from home tomorrow and want to work with it while it is quiet.
>
> Jan Matuszko
> Chief, Engineering and Analytical Support Branch
> Office of Water
> Environmental Protection Agency
> (202) 566-1035

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 3/12/2018 8:05:01 PM
To: jan.mat@[redacted]
Subject: Fwd: 2016 Final ELG Plan
Attachments: Final 2016 ELG Program Plan_012618 (OMB).docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Dorjets, Vlad EOP/OMB" <[redacted]>
> **Date:** March 12, 2018 at 1:59:35 PM EDT
> **To:** "Matuszko, Jan" <Matuszko.Jan@epa.gov>
> **Cc:** "Schillo, Bruce" <Schillo.Bruce@epa.gov>, "Flanders, Phillip" <Flanders.Phillip@epa.gov>
> **Subject: RE: 2016 Final ELG Plan**
>
> Perfect. My preliminary comments are attached. They're not final because I'm waiting to hear back from one reviewer. I realize you'll need more than a day to address some of the comments so I'm hoping we can simply discuss some of the broader, programmatic questions I had. I may then be able to drop some of those comments from the "final" comments I sent OP. Also, feel free to push the call back a couple days if that would be helpful.
>
> ---
>
> **From:** Matuszko, Jan [mailto:Matuszko.Jan@epa.gov]
> **Sent:** Monday, March 12, 2018 1:56 PM
> **To:** Dorjets, Vlad EOP/OMB <[redacted]>
> **Cc:** Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
> **Subject:** Re: 2016 Final ELG Plan
>
> 10 it is. I will send an invite later this afternoon.
>
> Sent from my iPhone
>
> On Mar 12, 2018, at 12:18 PM, Dorjets, Vlad EOP/OMB <[redacted]> wrote:
>
>> Can we do 10 or anytime in the afternoon? Will try to send over my questions later today.
>>
>> ---
>>
>> **From:** Matuszko, Jan [mailto:Matuszko.Jan@epa.gov]
>> **Sent:** Monday, March 12, 2018 11:11 AM
>> **To:** Dorjets, Vlad EOP/OMB <[redacted]
>> **Cc:** Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
>> **Subject:** Re: 2016 Final ELG Plan
>>
>> How about 9am for that conversation? If there are questions you know in advance you have, it would be great if you tee'd them up in advance.
>>
>> Sent from my iPhone

On Mar 12, 2018, at 10:50 AM, Dorjets, Vlad EOP/OMB <[redacted]> wrote:

> Sounds good. Have a good retreat and talk to you soon.
>
> ---
>
> **From:** Matuszko, Jan [mailto:Matuszko.Jan@epa.gov]
> **Sent:** Saturday, March 10, 2018 10:29 AM
> **To:** Dorjets, Vlad EOP/OMB <[redacted]>
> **Cc:** Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
> **Subject:** Re: 2016 Final ELG Plan
>
> Thanks Vlad. I have a mandatory off-site retreat on Monday. I will send an invite for a conversation sometime Tuesday that is not 11-12. Invites don't work well from my phone so I will send it later when I have my computer.
>
> Sent from my iPhone
>
> On Mar 9, 2018, at 5:47 PM, Dorjets, Vlad EOP/OMB <[redacted]> wrote:
>
>> Jan -- I have finished my preliminary review of the ELG Plan. I'm still waiting to hear back from a couple people on a few things so am not ready to formally submit my comments but think it would be a good idea for us to speak early next week so I can ask a few questions and make sure I understands things properly. Does that work for you? If so, I'm free all day Monday except 2-3 and all day Tuesday except 11-12. I'm in and out of meetings all day Wednesday so would prefer we speak before then. Thanks.
>>
>> ---
>>
>> **From:** Matuszko, Jan [mailto:Matuszko.Jan@epa.gov]
>> **Sent:** Wednesday, February 28, 2018 8:12 AM
>> **To:** Dorjets, Vlad EOP/OMB
>> <[redacted]>
>> **Cc:** Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
>> **Subject:** RE: 2016 Final ELG Plan
>>
>> Hmmm. I thought you already had it. When EPA submitted the info in ROCIS, did we just include the Federal Register Notice?
>>
>> Absolutely agree it makes sense for you to read the Plan before we speak. See attachment.
>>
>> Thanks for being open to considering expedited review.

From: Dorjets, Vlad EOP/OMB
[mailto[redacted]
Sent: Wednesday, February 28, 2018 8:07 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
Subject: Re: 2016 Final ELG Plan

Jan,

Good to hear from your. When do you expect to submit it? I think it would help if I could review the document before we speak. My work load is reasonable right now (I just wrapped up a huge project last night) so expediting the review shouldn't be a problem but, as always, it will mainly depend on the content.

Vlad

Sent from my iPhone

On Feb 28, 2018, at 7:03 AM, Matuszko, Jan <Matuszko.Jan@epa.gov> wrote:

> Good morning Vlad,
>
> I hope you are doing well!
>
> I would like to set up a call to discuss the 2016 Final ELG Plan. The purpose of the call is primarily to answer any questions you may have about the plan. Additionally, we would like to discuss the possibility of expedited review as you have done in the past on some of our other plans.
>
> We have some available time tomorrow afternoon and most of the day on Monday. Would any of those time slots work for you?
>
> Also, if there are specific questions you have and want to pass those on in advance of our discussion, that would be great.
>
> Looking forward to working with you on this.
>
> Jan
> ++++++++++++++++++++++
> Jan Matuszko

Chief, Engineering and Analytical
Support Branch
Office of Water
Environmental Protection Agency
(202) 566-1035

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 3/9/2018 3:51:44 PM
To: jan.mat@[redacted]
Subject: file
Attachments: SteamElec ELGregulatoryplanMarch218v2.DOCX

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 3/9/2018 11:56:21 AM
To: jan.mat@[redacted]
Subject: file
Attachments: steamreconsiderationonepager721final.docx; Steam Electric Effluent Limitations Guidelines and Standards Ruleovervie....docx

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 2/28/2018 1:12:11 PM
To: Dorjets, Vlad EOP/OMB [[redacted]
CC: Schillo, Bruce [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a71c3eb16aeb4bd2a0b3e1c950c44111-Bschill]; Flanders, Phillip [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0cb247ef96f642f98cb727a9ed48e49e-Flanders, P]
Subject: RE: 2016 Final ELG Plan
Attachments: Final 2016 ELG Program Plan_012618.docx

Hmmm. I thought you already had it. When EPA submitted the info in ROCIS, did we just include the Federal Register Notice?

Absolutely agree it makes sense for you to read the Plan before we speak. See attachment.

Thanks for being open to considering expedited review.

From: Dorjets, Vlad EOP/OMB [mailto[redacted]
Sent: Wednesday, February 28, 2018 8:07 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Schillo, Bruce <Schillo.Bruce@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
Subject: Re: 2016 Final ELG Plan

Jan,

Good to hear from your. When do you expect to submit it? I think it would help if I could review the document before we speak. My work load is reasonable right now (I just wrapped up a huge project last night) so expediting the review shouldn't be a problem but, as always, it will mainly depend on the content.

Vlad

Sent from my iPhone

On Feb 28, 2018, at 7:03 AM, Matuszko, Jan <Matuszko.Jan@epa.gov> wrote:

> Good morning Vlad,
>
> I hope you are doing well!
>
> I would like to set up a call to discuss the 2016 Final ELG Plan. The purpose of the call is primarily to answer any questions you may have about the plan. Additionally, we would like to discuss the possibility of expedited review as you have done in the past on some of our other plans.
>
> We have some available time tomorrow afternoon and most of the day on Monday. Would any of those time slots work for you?
>
> Also, if there are specific questions you have and want to pass those on in advance of our discussion, that would be great.

Looking forward to working with you on this.

Jan
++++++++++++++++++++
Jan Matuszko
Chief, Engineering and Analytical Support Branch
Office of Water
Environmental Protection Agency
(202) 566-1035

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 11/5/2018 1:20:16 PM
To: Rich [randj.mat@[redacted]
Subject: Fw: EPRI BA report
Attachments: 3002013706.pdf

From: Benware, Richard
Sent: Friday, November 2, 2018 2:41 PM
To: Matuszko, Jan
Subject: RE: EPRI BA report

Here is the non-CBI one.

From: Matuszko, Jan
Sent: Friday, November 02, 2018 2:40 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: Re: EPRI BA report

That would be great. Thank you.

Sent from my iPhone

On Nov 2, 2018, at 12:08 PM, Benware, Richard <Benware.Richard@epa.gov> wrote:

> Jan,
>
> I am going to need to have Ahmar make a copy of the EPRI BA report for you since it's CBI. I assume you'd prefer a hard copy? If so I'll give him the flash drive on Tuesday when I'm in the office and you'll probably get the copy sometime next week.
>
> Also – in addition to the report that has the handful of examples where closed loop problems popped up, would you like the other two reports? One is a guidance document on how to do closed loop systems and some of the problematic waters. The other is a survey where they asked people the maximum amount of water in GPD that they might have to purge due to various of these difficulties (this latter one is NOT CBI so I can just print that out for you).
>
> Best,
> -Richard

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 11/16/2018 4:34:17 PM
To: jan.mat@[redacted]
Subject: Fwd: Version I gave Deborah
Attachments: Steam Electric ELG Option Selection 11-15foranna rw.pptx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Wood, Robert" <Wood.Robert@epa.gov>
Date: November 15, 2018 at 5:26:51 PM EST
To: "Matuszko, Jan" <Matuszko.Jan@epa.gov>
Subject: Version I gave Deborah

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

From: Matuszko, Jan
Sent: Thursday, November 15, 2018 4:24 PM
To: Wood, Robert <Wood.Robert@epa.gov>
Subject: Going home

I expect traffic to be very unpleasant and I was here on time this morning. ☺

Here's the presentation electronically.

You can reach me via phone. Call [redacted] anytime after about 4:30. I have my computer so can make additional edits tonight or tomorrow if needed.

Jan Matuszko
Chief, Engineering and Analytical Support Branch
Office of Water
Environmental Protection Agency
(202) 566-1035

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 11/16/2018 12:35:46 PM
To: Jan Matuszko [jan.mat@[redacted]
Subject: file
Attachments: DRAFT Preliminary Legal Analysis of Proposed Steam Electric Options rjb_11-15 version.docx

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 3/19/2018 4:41:12 PM
To: Dorjets, Vlad EOP/OMB [redacted]
CC: Damico, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5293065367ab48c2bb2ebadcf992c0d6-BDamico]; Flanders, Phillip [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0cb247ef96f642f98cb727a9ed48e49e-Flanders, P]; Schillo, Bruce [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a71c3eb16aeb4bd2a0b3e1c950c44111-Bschill]
Subject: RE: OMB Comments on Final 2016 ELG Plan
Attachments: Final 2016 ELG Program Plan_031918_ResponseToOMBv1.DOCX

Good afternoon Vlad,

Thanks for getting your comments to us so quickly after our conversation. I think we are really close to a resolution. We took the document you sent and edited it in response. Like you, we also include some comments to help you understand our thinking.

Regarding the FRN, we typically only include information on new detailed studies in the notice. The nutrient and PFAs studies aren't at that level yet. So, that is why they were not included in the FRN we submitted to OMB. I would need to check in with our senior decision makers if you continue to think we should add that information to the FRN.

Also, for the reasons we discussed on the phone, we prefer not to add columns to the table in the end of the plan referencing the last time we studied each industry. We are, however, working on developing that information for your purposes.

I am going to an ECOS meeting. Flying out this afternoon and returning quite late tomorrow evening.

Please let me know if you want to discuss this further. Once we reach tentative agreement, we plan to send you a document that compares what we sent to you to initiate OMB review and the agreed upon version. Of course, we would then prepare a clean version to re-load into ROCIS.

Jan

From: Dorjets, Vlad EOP/OMB [mailto[redacted]
Sent: Tuesday, March 13, 2018 6:48 PM
To: Nurse, Leanne <Nurse.Leanne@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Damico, Brian <Damico.Brian@epa.gov>; Flanders, Phillip <Flanders.Phillip@epa.gov>
Subject: OMB Comments on Final 2016 ELG Plan

Leanne,

Please find attached some relatively light comments on EPA's Final 2016 ELG Plan. Please note that I am still waiting to hear back from one reviewer on one particular item so I may have one supplemental comment but I didn't want to hold this up while I wait for it.

Please also note that in several places I have inserted some language into the text. In all cases I have provided this language simply for EPA's consideration. It is the idea behind the language / substance in which I am interested. Please feel free to propose alternate language if needed. Also, please don't hesitate to me know if there is any confusion about what I am trying to accomplish with the language.

Finally, I have one separate comment on the draft FRN. Specifically, I do not believe that the FRN accurately reflects all of the most substantive items discussed in the Plan. I was surprised that the FRN was silent on EPA's ongoing review of the ELGs for UOG extraction facilities as well as the two industry-wide studies EPA is initiating (i.e. nutrients and PFAs). Given the stakeholder interest in the former and EPA's leadership's interest in the two latter, I would have expected EPA to want to emphasize these efforts. Could you let me know if their omission was intentional? If not, I would recommend including mention of them.

Vlad

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 9/14/2018 8:15:13 PM
To: Hill, Donna B. [DBHILL@s[redacted]
Subject: Re: Closed-Loop Bottom Ash Transport Water Report

Thanks Donna!

Hope you are doing well.

Sent from my iPhone

On Sep 14, 2018, at 3:21 PM, Hill, Donna B. <DBHILL@[redacted] wrote:

Jan,
EPRI recently published a report regarding closed-loop bottom ash transport water systems which is publicly available on their website. The abstract of the report and a link to EPRI's website where the report can be downloaded is provided below. This report may be informative as you reconsider the bottom ash transport water limits in the ELG Rule.

Sincerely,
Donna

Closed-Loop Bottom Ash Transport Water: Costs and Benefits to Managing Purges
Product ID: 3002013706
https://www.epri.com/#/pages/product/3002013706/

Abstract
This study evaluates the challenges of existing bottom ash transport water systems in meeting the no-discharge limit of the U.S. Environmental Protection Agency's 2015 Effluent Limitations Guidelines (ELGs). Each of the systems evaluated in this report used remote bottom ash settling devices. Most sites recycle most of the water, but each required some water to be purged from the system and therefore the systems are not fully closed-loop (i.e., no-discharge) systems. The challenges include water imbalance (more water entering than can be contained in the loop); maintenance activities requiring draining parts of the loop; leaks; and water quality issues, which include acidity and corrosiveness, scaling, and presence of solids that abrade piping and equipment.

The study included an evaluation of 21 plants that had operational experiences ranging from over 20 years of operation of a partially closed-loop system, to operating less than one year, to systems under construction. The evaluation demonstrated that plants will find it problematic and/or costly to meet a no-discharge requirement for bottom ash transport water. Operational flexibility would be achieved if the ELGs allowed for a purge from these systems instead of only allowing water to be reused in scrubbers or other no-discharge applications. One approach to defining an allowable purge quantity would be to allow purging as a percent of the volume of the bottom ash loop on a regular basis for maintenance of system chemistry, averaged over a sufficient time period to account for variability in load and intake water quality. Additional purges should be allowed if needed for maintenance activities on tanks or other equipment containing large amounts of loop water.

Even though the 2015 ELGs allow the use of bottom ash transport water for scrubber makeup or other no-discharge uses, it is not clear that all of the purge water would be suitable for FGD makeup, and there may still be a need to allow a discharge of bottom ash transport water in order to provide for operational flexibility to ensure reliable generation assets.

Donna B. Hill
Principal Scientist I Land and Water I Environmental Policy and Engagement
Bin 14N-8195 APC HQ I 600 18th Street North I Birmingham, AL 35203
Office [redacted] I Cell [redacted] I dbhill@[redacted]

<image001.gif>

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 7/18/2018 6:23:17 PM
To: jan.mat@[redacted]
Subject: Fw: Revised briefing package
Attachments: Supplemental Steam Electric ELG Briefing for Dave Ross_7_17_2018rjb 1038am version.pptx

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From: Benware, Richard
Sent: Wednesday, July 18, 2018 10:41 AM
To: Matuszko, Jan; Jordan, Ronald
Subject: RE: Revised briefing package

OK. Clearly missed a few things in my drowsy state last night… try this on for size.

From: Matuszko, Jan
Sent: Wednesday, July 18, 2018 9:43 AM
To: Benware, Richard <Benware.Richard@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>
Subject: Revised briefing package

Additional edits to the file that Richard sent last night. Happy to discuss any of them.

Ron- I don't believe the changes Richard made to the timing portion hit the mark of what you were suggesting. Can you please look at that section particularly carefully and edit.

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 7/18/2018 6:12:37 PM
To: jan.mat@[redacted]
Attachments: Reconsiderbrief151817v3.pptx

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 7/18/2018 2:23:47 PM
To: jan.mat@[redacted]
Subject: files
Attachments: 2018_6_20 Steam Electric ELG Briefing for Dave Ross.pptx; steamoverviewross2818jm.pptx; highlightsofsteamoptionsbriefing.pptx

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 7/18/2018 11:32:45 AM
To: jan.mat@[redacted]
Subject: Fw: Please use this version...
Attachments: Supplemental Steam Electric ELG Briefing for Dave Ross_7_17_2018.pptx

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From: Benware, Richard
Sent: Tuesday, July 17, 2018 11:42 PM
To: Matuszko, Jan; Jordan, Ronald
Subject: Please use this version...

If you guys want to work on the ppt tomorrow first thing, please use this version. I updated the figures and made the text changes on slides 4 onward that you suggested during today's afternoon meeting.

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 1/4/2018 5:59:43 PM
To: Karen Milam [karenmichelle.m@[redacted]
Subject: Fw: Steam Electric: draft letters requesting FGD information
Attachments: Request for FGD Information_Template_121817.docx

Here is the e-mail for the FGD letters.

From: Jordan, Ronald
Sent: Monday, December 18, 2017 2:57 PM
To: Wood, Robert
Cc: Matuszko, Jan
Subject: Steam Electric: draft letters requesting FGD information

Rob,

Attached is a draft letter we plan to send to several power companies, requesting information about the performance of FGD wastewater treatment technologies and the presence of halogens in the wastewater discharge. Specifically, the letters seek the following:

1. Information associated with recent testing/installation of treatment technologies;
2. Plans to test or install new technologies in the near future;
3. Bids received by the company to upgrade FGD wastewater treatment infrastructure; and
4. Information regarding halogen concentrations in FGD wastewater and the use of halogen-based materials that affect these concentrations.

We will send letters to fewer than 10 companies; possibly as few as seven. Our schedule calls for sending letters in early January and asking them to provide the information to EPA by February 15, which allows the companies 6 weeks to respond. Because of the difficulty we've encountered while trying to obtain this information, we anticipate sending the letters under the authority of Section 308 of the Clean Water Act.

Why is CWA 308 authority necessary?

- We have encountered numerous instances, including within the past few months, where power companies decline to provide information about technologies that they have tested, how the technologies performed, or even where the testing occurred.
- Much of the testing has been conducted under conditions that impose nondisclosure requirements upon technology vendors, thus the vendors are precluded from sharing performance information for their own technologies regardless of whether the site location is anonymous. Furthermore, we encountered instances where vendors have been instructed not to cooperate with EPA's data gathering activities.
- Past experience has shown that making such information requests voluntary often results in nonresponse or only partial information being provided, limiting the usefulness of the data.

Why send letters to the power company instead of individual power plants?

- Although in some cases we can use conference papers and other sources to deduce which company may have tested technologies of interest, the identity of the plant where testing occurred is usually unknown. In fact, for a number of tests the publicly available information refers generically to location using terms such as "unnamed plant in southeastern U.S."

What steps are being taken to limit the burden on respondents?

- We ask only for existing data; no new testing is required.
- By limiting the period covered to coincide with proposal for the 2015 Rule, we focus on technology development that specifically targets ELG compliance.

EPA United States Environmental Protection Agency
Ron Jordan
Office of Water
Engineering and Analysis Division
Washington DC
202.566.1003

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 12/11/2017 6:51:55 PM
To: jan.mat@[redacted]
Subject: Files
Attachments: FAR Initiation MEMO 11292017.docx; Final 2016 304(m) Plan_RIN2040-ZA25_FRN_12-04-17.docx; Final 2016 ELG Program Plan_120617.docx

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 11/21/2018 9:51:55 PM
To: jan.mat@[redacted]
Subject: Fwd: Steam - USE THIS VERSION OF the POWER POINT
Attachments: Steam Electric ELG Option Selection 11212018AJW.pptx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Wildeman, Anna" <wildeman.anna@epa.gov>
Date: November 21, 2018 at 4:02:19 PM EST
To: "Nagle, Deborah" <Nagle.Deborah@epa.gov>
Cc: "Wood, Robert" <Wood.Robert@epa.gov>, "Matuszko, Jan" <Matuszko.Jan@epa.gov>
Subject: RE: Steam - USE THIS VERSION OF the POWER POINT

Deborah, I've reviewed the updated slides and made some edits. My edits and comments are in red text – comments are in [brackets]. I split slide 8 into two slides bc it was just too hard to read as a single slide and made some other formatting changes.

Please keep the "Putting it all together" slide w membranes in the appendix. The appendix "putting it all together" slide should also have a column for thermal since slide 25 identifies both thermal and membrane as additional technologies for FGD.

Happy to discuss any questions or concerns you have with my edits and comments.
Thanks,
Anna

From: Nagle, Deborah
Sent: Friday, November 16, 2018 5:50 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>
Cc: Wood, Robert <Wood.Robert@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: FW: Steam - USE THIS VERSION OF the POWER POINT
Importance: High

Anna,

Following our conversation earlier this week, we revised the draft Steam Electric Option Selection materials. See the attachment. Two things of note:

1). The package contains two different versions of the "Putting it all Together Slide." As we provided to you earlier, the main body of the paper continues to include that slide for deregulatory options only as you had originally requested. See page 14. You inquired as to what the slide would look like if we included a column for membranes. That version is in the

Appendix on page 25. Would you prefer to keep the package as it is or replace page 14 with page 25?

2) We included information that we haven't presented or discussed with you before on the center of page 10. You are aware that the new data for the CP+LRTR FGD option leads to a higher selenium limit in comparison to the 2015 rule. The 2015 rule also set FGD limits for arsenic, mercury, and nitrate-nitrite. When we similarly calculated the CP+LRTR limits for those pollutants using the new data sets, the limits for mercury and nitrate-nitrite turned out to be more stringent than the 2015 rule. This is not particularly surprising as the underlying data in the 2015 rule for arsenic, mercury, and nitrate-nitrite limits, while being the best available at the time, represented treatment systems that were not operated to target those pollutants. The new data is representative of treatment systems operated to target all regulated pollutants.

Our team including OGC continue to work to address some of your other questions. We have submitted a joint meeting request with you and David Fotouhi to discuss the option selection briefing for the Administrator sometime the last week in November or the first week in December. In the meantime, please let me know if you have additional questions/suggestions.

Thanks,
-Deborah

Deborah G. Nagle, Acting Director
Office of Science and Technology
1200 Pennsylvania Ave, NW
Washington, DC 20460
Tel: (202) 564-1185

Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 11/16/2017 5:02:06 PM
To: jan.mat@[redacted]
Subject: Fw: Emailing - Steam Electric EPA-HQ-2017-005671 Coding Memo 08152017 Attorney Client .pdf
Attachments: Steam Electric EPA-HQ-2017-005671 Coding Memo 08152017 Attorney Client .pdf

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From: Scozzafava, MichaelE
Sent: Wednesday, November 15, 2017 9:23 AM
To: Benware, Richard; Matuszko, Jan; Jordan, Ronald; Covington, James; Schnitker, Brian; Rogers, Emily; Cuff, Jalyse; Tripp, Anthony; Eddy, Elizabeth; Ramach, Sean
Subject: FW: Emailing - Steam Electric EPA-HQ-2017-005671 Coding Memo 08152017 Attorney Client .pdf

Here's the most recent version of the coding memo.

From: Walker, Denise
Sent: Wednesday, November 15, 2017 9:22 AM
To: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Subject: Emailing - Steam Electric EPA-HQ-2017-005671 Coding Memo 08152017 Attorney Client .pdf

Message

From: EUEC Info [info@[redacted]
Sent: 8/13/2018 9:19:33 PM
To: Ramach, Sean [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6d61014fef5943e6a6444a56ca0c2958-SRamach]
CC: EUEC Conference [register@[redacted]
Subject: Invitation to Speak in Track I: Water, 316(b), Cooling Tower at EUEC 2019, Feb 25-27, San Diego California

Dear Sean Ramach,
I would like to personally invite you to submit an abstract to speak in Track A, of the 22nd annual EUEC 2019 to be held at the San Diego Convention Center, San Diego, California, February 25 to 27, 2019.

SUBMIT ABSTRACT

Track I: WATER, 316(B), COOLING TOWER

I1. Wastewater Management
I2. Ground Water, Remediation & 316(b)
I3. 316(b), COOLING TOWER,
I4. FGD Wastewater - ZLD,
I5. FGD Wastewater - ELG
I6. 316(b), ELG & Wastewater
I7. Wastewater Selenium
I8. Water Supply & Security
I10. Other

Please let me know if you require additional time to submit your abstract beyond August 15th, or if have any specific requirements or suggestions.

With best regards,

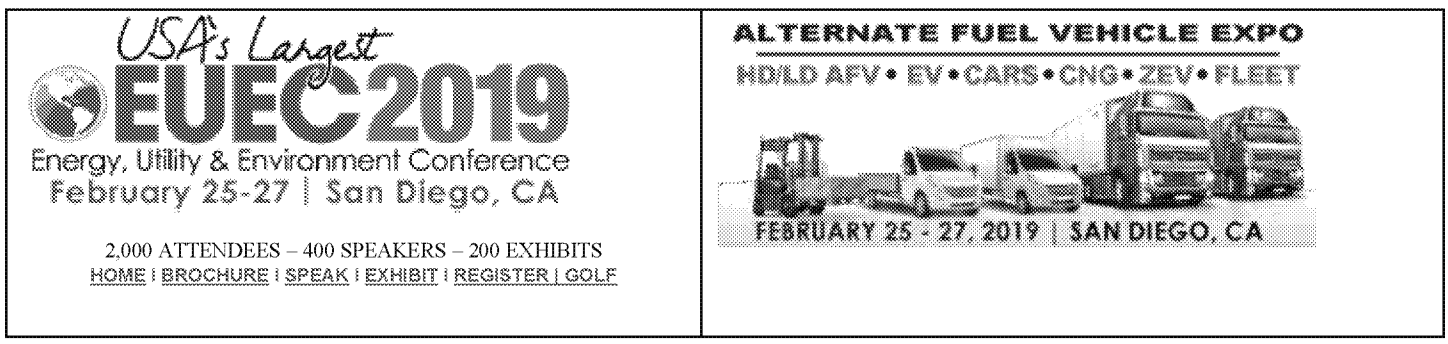
John Bail

Operations Manager, EUEC

info@[redacted]

Phone [redacted]

22nd Annual EUEC Conference co-located with the Clean Car Expo in the Sails Pavilion of the San Diego Convention Center



Appointment

From: Sylvester, Francis [Sylvester.Francis@epa.gov]
Sent: 7/13/2018 2:46:54 PM
To: Sylvester, Francis [Sylvester.Francis@epa.gov]; Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Brennan, Ross [Brennan.Ross@epa.gov]; Bromley, Eugene [Bromley.Eugene@epa.gov]; Burgess, Karen [Burgess.Karen@epa.gov]; Corb, Doug [corb.doug@epa.gov]; Cruz, Francisco [Cruz.Francisco@epa.gov]; Curtis, Glenn [curtis.glenn@epa.gov]; Davis, Molly [Davis.Molly@epa.gov]; Diaz, Denisse [Diaz.Denisse@epa.gov]; Dunn, John [Dunn.John@epa.gov]; Dwyer, Stacey [Dwyer.Stacey@epa.gov]; Hamilton, Denise [hamilton.denise@epa.gov]; Hill, Kimberly [Hill.Kimberly@epa.gov]; Jackson, Wayne [Jackson.Wayne@epa.gov]; Marincola, Jamie [Marincola.JamesPaul@epa.gov]; Kaspar, Paul [kaspar.paul@epa.gov]; Kogan, Joshua [Kogan.Joshua@epa.gov]; Krudner, Maureen [Krudner.Maureen@epa.gov]; Larsen, Brent [Larsen.Brent@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Lozano, VelRey [Lozano.VelRey@epa.gov]; Obrien, Karen [obrien.karen@epa.gov]; Cooper, Tangela [Cooper.Tangela@epa.gov]; Magruder, DeMara [Magruder.Demara@epa.gov]; Powell, Robert [Powell.Robert@epa.gov]; OW-OWM-PD-Industrial Branch [OWOWMPDIndustrial_Branch@epa.gov]; OW-OWM-PD-Municipal Branch [OWOWMPDMunicipal_Branch@epa.gov]; OW-OWM-PD-Rural Branch [OWOWMPDRural_Branch@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Bathersfield, Nizanna [Bathersfield.Nizanna@epa.gov]; Clark, Jackie [Clark.Jackie@epa.gov]; Flannery-Keith, Erin [Flannery-Keith.Erin@epa.gov]; Hair, David [Hair.David@epa.gov]; Kibler, Virginia [Kibler.Virginia@epa.gov]; Letnes, Amelia [Letnes.Amelia@epa.gov]; Phillips, Laura [Phillips.Laura@epa.gov]; Ragnauth, Elizabeth [Ragnauth.Elizabeth@epa.gov]; Stephan, Danielle [Stephan.Danielle@epa.gov]; Weiss, Kevin [Weiss.Kevin@epa.gov]; Pierard, Kevin [pierard.kevin@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Restivo, Angela [Restivo.Angela@epa.gov]; Sablad, Elizabeth [Sablad.Elizabeth@epa.gov]; Smith, DavidW [Smith.DavidW@epa.gov]; Staples, Bridget [Staples.Bridget@epa.gov]; Stuber, Robyn [Stuber.Robyn@epa.gov]; Tate, Michael [tate.michael@epa.gov]; Trulear, Brian [Trulear.Brian@epa.gov]; Voorhees, Mark [voorhees.mark@epa.gov]; Webster, David [Webster.David@epa.gov]; Wellesley, Sunny [wellesley.sunny@epa.gov]; Wong, Virginia [Wong.Virginia@epa.gov]; Wooster, Richard [Wooster.Richard@epa.gov]; Zimmer, Andrea [Zimmer.Andrea@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]; Thomas, Chris [Thomas.Chris@epa.gov]; Nix, Tanya [nix.tanya@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Klinger, Adam [Klinger.Adam@epa.gov]; Damico, Brian [Damico.Brian@epa.gov]; Murphy, Thelma (Hamilton) [murphy.thelma@epa.gov]; Galavotti, Holly [Galavotti.Holly@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Jones, Kristin [jones.kristin@epa.gov]; Gentile, Laura [Gentile.Laura@epa.gov]
CC: Hill, Jenelle [Hill.Jenelle@epa.gov]; Urban, Rachel [Urban.Rachel@epa.gov]; Biddle, Lisa [Biddle.Lisa@epa.gov]; Kloss, Christopher [Kloss.Christopher@epa.gov]; Billah, Mohammed [Billah.Mohammed@epa.gov]; Piziali, Jamie [Piziali.Jamie@epa.gov]; Schaner, Greg [Schaner.Greg@epa.gov]; Kazior, Kathryn [Kazior.Kathryn@epa.gov]; Wilson, Scott [Wilson.Js@epa.gov]; Molloy, Jennifer [molloy.jennifer@epa.gov]; Morgan, James [Morgan.James@epa.gov]; Ireland, Sean [Ireland.Sean@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]; Halter, Emily [Halter.Emily@epa.gov]; Balasa, Kate [balasa.kate@epa.gov]; Frace, Sheila [Frace.Sheila@epa.gov]; Fagnant, Daniel [fagnant.daniel@epa.gov]; Rathbone, Colleen - FS, Lakewood, CO [crathbone@fs.fed.us]; Mitschele, Becky [Mitschele.Becky@epa.gov]; Miller, Johanna [Miller.Johanna@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Danois, Gracy R. [Danois.Gracy@epa.gov]; Faulk, Jack [Faulk.Jack@epa.gov]; Porter, Donna [Porter.Donna@epa.gov]; Skovira, Lindsay [skovira.lindsay@epa.gov]; Flanders, Phillip [Flanders.Phillip@epa.gov]; Kozelka, Peter [Kozelka.Peter@epa.gov]

Subject: NPDES Branch Chiefs' Monthly Call
Attachments: Untitled Attachment; NPDES Branch Chiefs' Monthly Call 1-866-299-3188, 202-564-0759; NPDES Branch Chiefs' Monthly Call (1866-299-3188, 202-564-0759); NPDES Branch Chiefs' Monthly Call (1866-299-3188, 202-564-0759#); NPDES Branch Chiefs' Monthly Call (call-in: 1866-299-3188, 202-564-0759#); NPDES Branch Chiefs' Monthly Call (1866-299-3188, 202-564-0759#); NPDES Branch Chiefs' Monthly Call (1-866-299-3188, 202-564-0759); NPDES Branch Chiefs' Monthly Call (1-866-299-3188, 202-564-0759); NPDES Branch Chiefs' Monthly Call ; NPDES Branch Chiefs' Monthly Call (1866-299-3188, 202-564-0759); Untitled Attachment; Untitled Attachment
Location: DCRoomEast7347/DC-ICC-OWM

Start: 1/18/2018 7:30:00 PM
End: 1/18/2018 9:00:00 PM
Show Time As: Busy

Recurrence: Monthly
Occurs every month on the third Thursday of the month from 2:30 PM to 4:00 PM effective 1/18/2018 until 12/20/2018.

Monthly NPDES Branch Chiefs' Call

Third Thursday | 2:30pm Eastern
Call-in: 866-299-3188, TBD, HQ Room WJC East 7347

Agenda TBD

Message

From: Mychal Ozaeta [mozaeta@[redacted]
Sent: 3/5/2019 9:21:00 PM
To: Scozzafava, MichaelE [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bd15262a06994ecca083bbc76cbc7080-MEScozza]; Thomas Cmar [tcmar@[redacted]
CC: Zipf, Lynn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a79a73cc2ce41738e505a406dc9cb71-LZipf]
Subject: RE: Follow Up

Hi Mike,

You are correct regarding the Group One custodians. As for the Group Two custodians, we would like the full set of search terms applied, but with the highlighted additions/revisions to the first two search terms in your chart that resulted in the largest number of hits. We thought the highlighted additions might help reduce the number of estimated responsive records.

((“705” OR “postponement” OR “stay” OR "compliance date” OR “compliance dates” OR "compliance deadline") NEAR(10) (“Steam” OR “ELG”))
((“FGD” OR “FGDW” OR “BATW” OR “flue gas desulfurization” OR “bottom ash” OR “fly ash”) NEAR(10) (“Steam” OR “ELG”))
“Steam Electric ELG”
(“Wastewater” NEAR(10) ("FGD" OR “gasification”))
“Steam Electric Rule” OR "Part 423" OR "Steam Electric Effluent Guidelines" OR "Steam Electric Effluent Limitations Guidelines and Standards"
(“Transport water” NEAR(10) ("bottom ash” OR "fly ash"))
(“Wastewater” NEAR(10) (“bottom ash” OR “fly ash”))

Please let us know if you have any questions or comments.

Thanks,

Mychal

From: Scozzafava, MichaelE <ScozzafavaMichaelE@epa.gov>
Sent: Tuesday, March 5, 2019 3:25 PM
To: Mychal Ozaeta <mozaeta@[redacted]; Thomas Cmar <tcmar@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: RE: Follow Up

Hi Mychal,

I’m sorry that we’ve been playing phone tag this morning, but from our exchange of voicemails I think we are on the same page. Please allow me to summarize.

For the Group 1 priority custodians that you identified below, we will apply the full set of search terms that we agreed to during our last call. For the Group 2 custodians identified below, we will only apply the limited number of search terms that you’ve indicated below.

I have asked our eDiscovery contractor to begin the electronic records search, so please let me know if you have any additional comments.

Thanks and have a great evening.

Mike

Michael Scozzafava, Deputy Director
Engineering and Analysis Division
OW/OST
p: 202-566-2858
cell:[redacted]

From: Mychal Ozaeta <mozaeta@[redacted]>
Sent: Tuesday, March 05, 2019 10:26 AM
To: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: RE: Follow Up

Hi Mike,

I am free until 12 if you would like to give me a call.

Thanks,

Mychal

From: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Sent: Tuesday, March 5, 2019 8:21 AM
To: Mychal Ozaeta <mozaeta@[redacted] Thomas Cmar <tcmar@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: RE: Follow Up

Hi Mychal,

Thanks for your response. I think I understand what you're asking for, but would like to clarify. Can I give you a quick call later today to make sure that we're on the same page?

Thanks!

Mike

Michael Scozzafava, Deputy Director
Engineering and Analysis Division
OW/OST
p: 202-566-2858
cell:[redacted]

From: Mychal Ozaeta <mozaeta@[redacted]
Sent: Monday, March 04, 2019 5:17 PM
To: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>; Thomas Cmar <tcmar@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: RE: Follow Up

Hi Mike,

We have consulted with our clients and agreed on a list of prioritized custodians ("Group One" below). Additionally, we were wondering if the revised search terms included below could be applied to the "Group Two" custodians in order to potentially reduce the number of records that you expect to be captured using the first two sets of terms in the agency's chart. We also wanted to confirm that the estimated number of records does not include deduplication, including deduplication within custodians, or the email threading that we discussed on our call.

Please let us know what you think and if you'd like to further discuss.

Thanks,

Mychal

Group One
Sean Ramach
Ronald Jordan
Robert Wood
Jan Matuszko
Michael Scozzafava
Jessica Zomer
Mary Ellen Levine
Steven Neugeboren
David Fotouhi

Group Two
Administrator Andrew Wheeler
Deputy Administrator Andrew Wheeler
Administrator E. Scott Pruitt
Sarah Greenwalt
Ryan Jackson
Byron Brown
Samantha Dravis
Holly Greaves
Brittany Bolen
Benita Best-Wong
Michael Shapiro
Dave Ross

Search Terms

"705" OR "postponement" OR "stay" OR "compliance date" OR "compliance dates" OR "compliance deadline" NEAR(10) "Steam" OR "ELG"

"FGD" OR "FGDW" OR "BATW" OR "flue gas desulfurization" OR "bottom ash" OR "fly ash" NEAR(10) "Steam" OR "ELG"

From: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Sent: Wednesday, February 27, 2019 3:37 PM
To: Mychal Ozaeta <mozaeta@[redacted]>; Thomas Cmar <tcmar@[redacted]>
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: Follow Up

Hi Mychal and Tom,

As discussed last week, we asked our eDiscovery contract to provide an estimate of the number of records that we expect to be captured using the search terms and custodians we agreed to on the last call. I want to stress that this data is from a preliminary search and subject to change because more items could become indexed and become hits, deduplication would occur in processing, etc. That being said, the data is quite informative.

The preliminary search predicts that over 33,000 potentially responsive records will be returned from this search. Breaking down the data a little more, the following search terms seem to result in the largest number of hits. In some cases, I expect that broad terms like "compliance dates" are pulling in many non-responsive records:

"705" OR "postponement" OR "compliance date" OR "compliance dates" OR "compliance deadline"	15k
"FGD" OR "FGDW" OR "BATW" OR "flue gas desulfurization" OR "bottom ash" OR "fly ash"	10k
"Steam Electric ELG"	7k
("Wastewater" NEAR(10) ("FGD" OR "gasification"))	7k
"Steam Electric Rule" OR "Part 423" OR "Steam Electric Effluent Guidelines" OR "Steam Electric Effluent Limitations Guidelines and Standards"	5k
("Transport water" NEAR(10) ("bottom ash" OR "fly ash"))	5k
("Wastewater" NEAR(10) ("bottom ash" OR "fly ash"))	4k

As we discussed on our call last week, given the amount of time and effort it would take to compile and review these records, we are wondering if you would consider further refining your request so that we provide the information you seek as fast as possible. As we discussed, we would appreciate if you could review this preliminary search information with your clients and get back to us with any thoughts you have.

Please let us know if you'd like to discuss. I'm available for a phone call on Thursday or Friday if needed.

Thanks and have a great evening.

Mike

Michael Scozzafava, Deputy Director
Engineering and Analysis Division
OW/OST
p: 202-566-2858
cell:[redacted]

Message

From: Zipf, Lynn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1A79A73CC2CE41738E505A406DC9CB71-LZIPF]
Sent: 2/20/2019 7:11:49 PM
To: Scozzafava, MichaelE [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bd15262a06994ecca083bbc76cbc7080-MEScozza]; Mychal Ozaeta [mozaeta@[redacted]
CC: Thomas Cmar [tcmar@[redacted]
Subject: RE: Follow-Up

Do you mean 2:30?

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Scozzafava, MichaelE
Sent: Wednesday, February 20, 2019 2:11 PM
To: Mychal Ozaeta <mozaeta@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>; Thomas Cmar <tcmar@[redacted]
Subject: Re: Follow-Up

Hi Everybody,

Despite the snow in DC, Zynn and I are available for our call at 3:30. Let me know if your schedule has changed. Otherwise we'll talk to you then.

Mike

From: Mychal Ozaeta <mozaeta@[redacted]
Sent: Friday, February 15, 2019 10:12 AM
To: Scozzafava, MichaelE
Cc: Zipf, Lynn; Thomas Cmar
Subject: RE: Follow-Up

No, that's it from our side. Thanks for confirming.

Best,

Mychal

From: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Sent: Friday, February 15, 2019 9:56 AM
To: Mychal Ozaeta <mozaeta@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>; Thomas Cmar <tcmar@[redacted]>
Subject: Re: Follow-Up

Great, thanks.

I'll send a calendar notice for 2:30 that day and will include all four of us on the meeting. Is there anybody else from your side that you'd like me to include?

Michael Scozzafava
Deputy Director
Engineering and Analysis Division

Sent from my iPhone

On Feb 15, 2019, at 9:52 AM, Mychal Ozaeta <mozaeta@[redacted]> wrote:

> Yes, that time period works for us.
>
> Thanks,
>
> Mychal
>
> ---
>
> **From:** Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
> **Sent:** Friday, February 15, 2019 9:46 AM
> **To:** Mychal Ozaeta <mozaeta@[redacted]
> **Cc:** Zipf, Lynn <Zipf.Lynn@epa.gov>; Thomas Cmar <tcmar@[redacted]>
> **Subject:** Re: Follow-Up
>
> Good Morning Mychal,
>
> Thank you for your response. Yes, I think it would be very helpful to have a phone call next week. We have a few questions about some of your custodians and search terms, among other items.
>
> Let's try to find a time where all of the relevant people are able to attend the call. This way we can finalize the parameters of the search and move quickly to initiate our process soon after.
>
> Are you guys available between 2-4pm on Wednesday, 2/20?
>
> Thanks and have a great day.
>
> Mike
>
> ---
>
> **From:** Mychal Ozaeta <mozaeta@[redacted]
> **Sent:** Thursday, February 14, 2019 4:06 PM
> **To:** Scozzafava, MichaelE
> **Cc:** Zipf, Lynn; Thomas Cmar
> **Subject:** RE: Follow-Up

Hi Michael,

Thanks for the list. I have copied below a revised list of Custodians and Keywords. We would be glad to further discuss this list or anything else related to the request next week if you would like.

Custodians

Administrator Andrew Wheeler
Deputy Administrator Andrew Wheeler
Administrator E. Scott Pruitt
Dave Ross
Sarah Greenwalt
Ryan Jackson
Byron Brown
Samantha Dravis
Holly Greaves
Brittany Bolen
Derek Threet
Michael Scozzafava
Sean Ramach
Scott Wilson
Ronald Jordan
Robert Wood
Jan Matuszko
Michael Shapiro
Benita Best-Wong
Jessica Zomer
Mary Ellen Levine
Steven Neugeboren
David Fotouhi
Justin Schwab
Kevin Minoli

Search Terms

"Steam Electric Rule" "Part 423," OR "Steam Electric Effluent Guidelines," OR "Steam Electric Effluent Limitations Guidelines and Standards," OR "power plant guidelines," OR "flue gas desulphurization," OR "November 1, 2018", OR "December 31, 2023", OR "Steam Electric ELG", OR [Wastewater within 10 words of "FGD," or "gasification"], OR [Transport water within 10 words of "bottom ash," or "fly ash"] OR ["Power plant" within 10 words of "ELG"] OR ["Wastewater" within 10 words of "bottom ash" or "fly ash"]

"705" OR "postponement" OR "stay" OR "compliance date" OR "compliance dates" OR "compliance deadline"

"FGD"
"FGDW"
"BATW"
"flue gas desulfurization"
"bottom ash"
"fly ash"
"scrubber"
"subbituminous" or "sub-bituminous"

"selenium" within ten words of "power plant"
"Utility Water Act Group" within ten words of "ELG"
"UWAG" within ten words of "ELG"
"Hunton" within ten words of "ELG"
"Small Business Administration" within ten words of "ELG"
"SBA" within ten words of "ELG"
"stay" within ten words of "ELG"
"reconsider" within ten words of "ELG"
"reconsideration" within ten words of "ELG"
"delay" within ten words of ("Steam Electric" OR "ELG")
"reconsider" within ten words of "Steam Electric"
"reconsideration" within ten words of "Steam Electric"
"UWAG" within ten words of "Steam Electric"
"Utility Water Act Group" within ten words of "Steam Electric"
"Hunton" within ten words of "Steam Electric"
"Small Business Administration" within ten words of "Steam Electric"
"SBA" within ten words of "Steam Electric"

Thanks,

Mychal Ozaeta
Associate Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
[redacted]

<image001.gif>

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If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.
If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Sent: Wednesday, February 6, 2019 2:07 PM
To: Mychal Ozaeta <mozaeta@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: Follow-Up

Good Afternoon Mychal,

Thank you for taking the time to speak to Lynn Zipf and I today regarding your FOIA request submitted to the Agency on November 8, 2018 seeking certain records related to the Steam Electric ELG rulemaking.

We are actively processing your request and will work to provide you with responsive documents as soon as possible. However, as we discussed today, we believe this request needs to be refined so that we can most effectively carry out the document search and production.

During our call, you agreed to consider a specific set of custodians and keywords as one way to help focus our search. For your convenience, I have copied the Custodian and Keywords we used for a similar FOIA submitted by EarthJustice in 2017. You agreed to review these lists and provide edits as appropriate. Once we agree on a list of custodians and keywords, we will proceed to conduct the search of electronic records.

In addition, during our call we discussed ideas for potentially further narrowing the scope of your request to better target the specific documents that you and your clients are interested in obtaining. You indicated that you would speak with your colleagues about this and get back to us. Please let us know when you're ready for this discussion.

Thanks you again for your time and please don't hesitate to contact me directly if you have any questions or concerns.

Sincerely,

Michael Scozzafava, Deputy Director
Engineering and Analysis Division
OW/OST
p: 202-566-2858
cell: [redacted]

PREVIOUSLY USED CUSTODIANS AND SEARCH TERMS

Custodians
Administrator Pruitt
Sarah Greenwalt
Ryan Jackson
Byron Brown
Samantha Dravis
Layne Bangerter
Donald Benton
Myron Ebell
Holly Greaves
David Schnare
Brittany Bolen
Shannon Kenny
Derek Threet
Michael Scozzafava
Sean Ramach
Scott Wilson
Ronald Jordan
Elizabeth Southerland
Robert Wood
Jan Matuszko
Michael Shapiro
Benita Best-Wong
Jessica Zomer
Mary Ellen Levine
Steven Neugeboren
David Fotouhi
Justin Schwab
Kevin Minoli

Search Terms

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“705” OR “postponement” OR “stay” OR "compliance date” OR “compliance dates” OR "compliance deadline"

“FGD”
“FGDW”
“BATW”
“flue gas desulfurization”
“bottom ash”
“fly ash”
“scrubber”
“subbituminous” or “sub-bituminous”
“selenium” within ten words of “power plant”
“Utility Water Act Group” within ten words of “ELG”
“UWAG” within ten words of “ELG”
“Hunton” within ten words of “ELG”
“Small Business Administration” within ten words of “ELG”
“SBA” within ten words of “ELG”
“stay” within ten words of “ELG”
“reconsider” within ten words of “ELG”
“reconsideration” within ten words of “ELG”
“stay” within ten words of “Steam Electric”
“reconsider” within ten words of “Steam Electric”
“reconsideration” within ten words of “Steam Electric”
“UWAG” within ten words of “Steam Electric”
“Utility Water Act Group” within ten words of “Steam Electric”
“Hunton” within ten words of “Steam Electric”
“Small Business Administration” within ten words of “Steam Electric”
“SBA” within ten words of “Steam Electric”

Message

From: Scozzafava, MichaelE [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BD15262A06994ECCA083BBC76CBC7080-MESCOZZA]
Sent: 2/15/2019 2:56:15 PM
To: Mychal Ozaeta [mozaeta@[redacted]
CC: Zipf, Lynn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a79a73cc2ce41738e505a406dc9cb71-LZipf]; Thomas Cmar [tcmar@[redacted]
Subject: Re: Follow-Up

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I'll send a calendar notice for 2:30 that day and will include all four of us on the meeting. Is there anybody else from your side that you'd like me to include?

Michael Scozzafava
Deputy Director
Engineering and Analysis Division

Sent from my iPhone

On Feb 15, 2019, at 9:52 AM, Mychal Ozaeta <mozaeta@[redacted]> wrote:

> Yes, that time period works for us.
>
> Thanks,
>
> Mychal
>
> ---
>
> **From:** Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
> **Sent:** Friday, February 15, 2019 9:46 AM
> **To:** Mychal Ozaeta <mozaeta@[redacted]
> **Cc:** Zipf, Lynn <Zipf.Lynn@epa.gov>; Thomas Cmar <tcmar@[redacted]>
> **Subject:** Re: Follow-Up
>
> Good Morning Mychal,
>
> Thank you for your response. Yes, I think it would be very helpful to have a phone call next week. We have a few questions about some of your custodians and search terms, among other items.
>
> Let's try to find a time where all of the relevant people are able to attend the call. This way we can finalize the parameters of the search and move quickly to initiate our process soon after.
>
> Are you guys available between 2-4pm on Wednesday, 2/20?
>
> Thanks and have a great day.
>
> Mike

From: Mychal Ozaeta <mozaeta@[redacted]
Sent: Thursday, February 14, 2019 4:06 PM
To: Scozzafava, MichaelE
Cc: Zipf, Lynn; Thomas Cmar
Subject: RE: Follow-Up

Hi Michael,

Thanks for the list. I have copied below a revised list of Custodians and Keywords. We would be glad to further discuss this list or anything else related to the request next week if you would like.

Custodians

Administrator Andrew Wheeler
Deputy Administrator Andrew Wheeler
Administrator E. Scott Pruitt
Dave Ross
Sarah Greenwalt
Ryan Jackson
Byron Brown
Samantha Dravis
Holly Greaves
Brittany Bolen
Derek Threet
Michael Scozzafava
Sean Ramach
Scott Wilson
Ronald Jordan
Robert Wood
Jan Matuszko
Michael Shapiro
Benita Best-Wong
Jessica Zomer
Mary Ellen Levine
Steven Neugeboren
David Fotouhi
Justin Schwab
Kevin Minoli

Search Terms

"Steam Electric Rule" "Part 423," OR "Steam Electric Effluent Guidelines," OR "Steam Electric Effluent Limitations Guidelines and Standards," OR "power plant guidelines," OR "flue gas desulphurization," OR "November 1, 2018", OR "December 31, 2023", OR "Steam Electric ELG", OR [Wastewater within 10 words of "FGD," or "gasification"], OR [Transport water within 10 words of "bottom ash," or "fly ash"] OR ["Power plant" within 10 words of "ELG"] OR ["Wastewater" within 10 words of "bottom ash" or "fly ash"]

"705" OR "postponement" OR "stay" OR "compliance date" OR "compliance dates" OR "compliance deadline"

"FGD"
"FGDW"
"BATW"
"flue gas desulfurization"
"bottom ash"
"fly ash"
"scrubber"
"subbituminous" or "sub-bituminous"
"selenium" within ten words of "power plant"
"Utility Water Act Group" within ten words of "ELG"
"UWAG" within ten words of "ELG"
"Hunton" within ten words of "ELG"
"Small Business Administration" within ten words of "ELG"
"SBA" within ten words of "ELG"
"stay" within ten words of "ELG"
"reconsider" within ten words of "ELG"
"reconsideration" within ten words of "ELG"
"delay" within ten words of ("Steam Electric" OR "ELG")
"reconsider" within ten words of "Steam Electric"
"reconsideration" within ten words of "Steam Electric"
"UWAG" within ten words of "Steam Electric"
"Utility Water Act Group" within ten words of "Steam Electric"
"Hunton" within ten words of "Steam Electric"
"Small Business Administration" within ten words of "Steam Electric"
"SBA" within ten words of "Steam Electric"

Thanks,

Mychal Ozaeta
Associate Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
T: 215-717-4529
earthjustice.org

<image001.gif>

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From: Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>
Sent: Wednesday, February 6, 2019 2:07 PM
To: Mychal Ozaeta <mozaeta@[redacted]
Cc: Zipf, Lynn <Zipf.Lynn@epa.gov>
Subject: Follow-Up

Good Afternoon Mychal,

Thank you for taking the time to speak to Lynn Zipf and I today regarding your FOIA request submitted to the Agency on November 8, 2018 seeking certain records related to the Steam Electric ELG rulemaking.

We are actively processing your request and will work to provide you with responsive documents as soon as possible. However, as we discussed today, we believe this request needs to be refined so that we can most effectively carry out the document search and production.

During our call, you agreed to consider a specific set of custodians and keywords as one way to help focus our search. For your convenience, I have copied the Custodian and Keywords we used for a similar FOIA submitted by EarthJustice in 2017. You agreed to review these lists and provide edits as appropriate. Once we agree on a list of custodians and keywords, we will proceed to conduct the search of electronic records.

In addition, during our call we discussed ideas for potentially further narrowing the scope of your request to better target the specific documents that you and your clients are interested in obtaining. You indicated that you would speak with your colleagues about this and get back to us. Please let us know when you're ready for this discussion.

Thanks you again for your time and please don't hesitate to contact me directly if you have any questions or concerns.

Sincerely,

Michael Scozzafava, Deputy Director
Engineering and Analysis Division
OW/OST
p: 202-566-2858
cell[redacted]

PREVIOUSLY USED CUSTODIANS AND SEARCH TERMS

Custodians
Administrator Pruitt
Sarah Greenwalt
Ryan Jackson
Byron Brown
Samantha Dravis
Layne Bangerter
Donald Benton
Myron Ebell
Holly Greaves
David Schnare
Brittany Bolen
Shannon Kenny
Derek Threet
Michael Scozzafava
Sean Ramach
Scott Wilson
Ronald Jordan
Elizabeth Southerland

Robert Wood
Jan Matuszko
Michael Shapiro
Benita Best-Wong
Jessica Zomer
Mary Ellen Levine
Steven Neugeboren
David Fotouhi
Justin Schwab
Kevin Minoli

Search Terms

"Steam Electric Rule" "Part 423," OR "Steam Electric Effluent Guidelines," OR "Steam Electric Effluent Limitations Guidelines and Standards," OR "power plant guidelines," OR "flue gas desulphurization," OR "November 1, 2018", OR "December 31, 2023", OR "Steam Electric ELG", OR [Wastewater within 10 words of "FGD," or "gasification"], OR [Transport water within 10 words of "bottom ash," or "fly ash"] OR ["Power plant" within 10 words of "ELG"] OR ["Wastewater" within 10 words of "bottom ash" or "fly ash"]

"705" OR "postponement" OR "stay" OR "compliance date" OR "compliance dates" OR "compliance deadline"

"FGD"
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"BATW"
"flue gas desulfurization"
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"selenium" within ten words of "power plant"
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"reconsider" within ten words of "ELG"
"reconsideration" within ten words of "ELG"
"stay" within ten words of "Steam Electric"
"reconsider" within ten words of "Steam Electric"
"reconsideration" within ten words of "Steam Electric"
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"Utility Water Act Group" within ten words of "Steam Electric"
"Hunton" within ten words of "Steam Electric"
"Small Business Administration" within ten words of "Steam Electric"
"SBA" within ten words of "Steam Electric"

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/18/2018 2:20:02 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-18-092002.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/18/2018 2:19:50 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-18-091950.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/18/2018 2:19:16 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-18-091916.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:21:55 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-112155.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:21:35 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-112135.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:21:11 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-112111.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:20:13 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-112013.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:19:49 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-111949.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 4:17:57 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-111757.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 2:53:30 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-17-095330.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/17/2018 2:52:41 PM
To: ScozzafavaMichaelE@domain.invalid
Attachments: image2018-01-17-095241.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/16/2018 7:04:58 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-16-140457.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/16/2018 7:04:33 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-16-140433.pdf

Message

From: DC-WJCW-6231-M@epa.gov [DC-WJCW-6231-M@epa.gov]
Sent: 1/19/2018 6:25:39 PM
To: Scozzafava.michaelE@domain.invalid
Attachments: image2018-01-19-132539.pdf

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 10/16/2018 4:24:40 PM
To: rbozek@[redacted]Wildeman, Anna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=05dd0af69bfa40429e438b7646502b99-Wildeman, A]
CC: Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; McDonough, Owen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10a92c71b552413694fed6fa08522f4f-McDonough,]

Subject: TVA Meeting
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 10/25/2018 6:00:00 PM
End: 10/25/2018 6:45:00 PM
Show Time As: Busy

Here is agenda Rich Bozek sent.

- Status of ELG rulemaking
- Industry Concerns with timing and BAT for BATW and FGD Wastewater
- TVA-specific concerns regarding once-through scrubbers with high flows and low pollutant concentrations

Participants would include:
Rich Bozek, EEI
Brenda Brickhouse, TVA
Carolyn Koroa, TVA
Michele Cagley, TVA

Thank you, please confirm.

Best,
Rich

C. Richard Bozek
Director, Environmental and Health & Safety Policy
Edison Electric Institute
701 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2696
[redacted]
Rbozek@[redacted]
Follow EEI on Twitter, Facebook, and YouTube.

Appointment

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 6/26/2018 1:19:23 PM
To: 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]; McDonough, Owen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10a92c71b552413694fed6fa08522f4f-McDonough,]; venu.ghanta@[redacted] Wildeman, Anna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=05dd0af69bfa40429e438b7646502b99-Wildeman, A]
CC: Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]

Subject: Meeting on ELGS
Attachments: Real ID Information.pdf; Overview of Duke Energy Position on the ELG Rule 6_26_18.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/26/2018 5:00:00 PM
End: 6/26/2018 5:30:00 PM
Show Time As: Busy

Venu Ghanta
Federal Regulatory Affairs Director
325 7th Street NW, Suite 300, Washington, DC 20004
Office: 202-824-8013
Cell: 202-699-2337

Appointment

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 4/5/2018 4:04:21 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; kevin.bromberg@sba.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a79a0f905cda421984b3523ea0beaf85-kevin.bromberg@sba.gov]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Nagle, Deborah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33888a2bbe8f48aeb4ad9cc54259fb4e-dnagle]; Wood, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2676c137cf54db0a5d98df232901821-Wood, Robert]; McDonough, Owen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10a92c71b552413694fed6fa08522f4f-McDonough,]; Grevatt, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3caa0c39ebe44cb9d3ae44da7543733-Grevatt, Peter]
CC: Campbell, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8c25a0c2fb648b6a947694a8492311e-Campbell, Ann]; Matuszko, Jan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94eefc2788084d73a97caf80d30a0e24-JMatuszk]; Burneson, Eric [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2cacb9a8d49f49af80531e9e2ccb9018-eburneso]

Subject: Meeting with Kevin Bromberg
Attachments: Real ID Information.pdf; Advocacy Petition for Review re EPA Steam Electric Power Plant Effluent Limitations Guidelines.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 3219B WJCe Please call 202-564-5700 for escort

Start: 4/9/2018 3:00:00 PM
End: 4/9/2018 3:45:00 PM
Show Time As: Busy

Kevin Bromberg
Assistant Chief Counsel for Environmental Policy
SBA // Office of Advocacy
409 3rd St. SW, Washington, D.C. 20416
kevin.bromberg@sba.gov 202.481.2963
202.205.6964

Charles Maresca | Director of Interagency Affairs | SBA Office of Advocacy |
409 3rd St. SW, Washington, DC 20416 |p 202/205-6978 | f 202/481-0408

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 4/6/2018 8:53:36 PM
To: msberry@[redacted]
CC: djweathe@[redacted]Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Ronald Jordan [Jordan.Ronald@epa.gov]
Subject: Thank You
Attachments: Georgia Power Thank You Letter.pdf

Please see attached letter concerning Georgia Power's response to our January 3 data request. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 3/23/2018 6:41:28 PM
To: jwcannon@[redacted]
Subject: Thank You
Attachments: Santee Cooper Thank You Letter.pdf

Please see attached letter concerning Santee Cooper's response to our January 3 data request. A hard copy is being sent to Ms. Pamela Williams. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 3/23/2018 6:41:19 PM
To: Stephen.frank@[redacted]
Subject: Thank You
Attachments: NRG Thank You Letter.pdf

Please see attached letter concerning NRG's response to our January 3 data request. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 3/23/2018 6:41:12 PM
To: ndernik@[redacted]
Subject: Thank You
Attachments: NIPSCO Thank You Letter.pdf

Please see attached letter concerning NIPSCO's response to our January 3 data request. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Wood, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2676C137CF54DB0A5D98DF232901821-WOOD, ROBERT]
Sent: 3/23/2018 6:41:05 PM
To: alee@[redacted]
Subject: Thank You
Attachments: Hoosier Energy Thank You Letter.pdf

Please see attached letter concerning Hoosier Energy's response to our January 3 data request. Thank you.

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 1/18/2018 12:57:13 PM
To: Uli, Gabriella M. EOP/WHO [Gabriella.M.Uli@who.eop.gov]; Paranzino, Anthony M. EOP/WHO [Anthony.M.Paranzino@who.eop.gov]; Flynn, Matthew J. EOP/WHO [Matthew.J.Flynn@who.eop.gov]; Mashburn, John K. EOP/WHO [John.K.Mashburn@who.eop.gov]; staffsecretary@who.eop.gov; william.j.mcginley@who.eop.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA - Cabinet Affairs 30 Day Report 1.15.18
Attachments: EPA Cabinet 30 Day Report 1.15.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 1/23/2018 6:06:20 PM
To: Uli, Gabriella M. EOP/WHO [Gabriella.M.Uli@who.eop.gov]; Paranzino, Anthony M. EOP/WHO [Anthony.M.Paranzino@who.eop.gov]; Flynn, Matthew J. EOP/WHO [Matthew.J.Flynn@who.eop.gov]; Mashburn, John K. EOP/WHO [John.K.Mashburn@who.eop.gov]; staffsecretary@who.eop.gov; william.j.mcginley@who.eop.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA - Cabinet Affairs 30 Day Report 1.22.18
Attachments: EPA Cabinet 30 Day Report 1.22.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 2/21/2018 1:44:12 PM
To: Uli, Gabriella M. EOP/WHO [Gabriella.M.Uli@who.eop.gov]; Mashburn, John K. EOP/WHO [John.K.Mashburn@who.eop.gov]; Paranzino, Anthony M. EOP/WHO [Anthony.M.Paranzino@who.eop.gov]; Flynn, Matthew J. EOP/WHO [Matthew.J.Flynn@who.eop.gov]; william.j.mcginley@who.eop.gov; staffsecretary@who.eop.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA - Cabinet Affairs 30 Day Report 2.20.18
Attachments: EPA Cabinet 30 Day Report 2.20.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 1/3/2018 2:55:18 PM
To: Uli, Gabriella M. EOP/WHO [Gabriella.M.Uli@who.eop.gov]; Paranzino, Anthony M. EOP/WHO [Anthony.M.Paranzino@who.eop.gov]; Flynn, Matthew J. EOP/WHO [Matthew.J.Flynn@who.eop.gov]; Mashburn, John K. EOP/WHO [John.K.Mashburn@who.eop.gov]; staffsecretary@who.eop.gov; william.j.mcginley@who.eop.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA - Cabinet Affairs 30 Day Report 1.2.18
Attachments: EPA Cabinet 30 Day Report 1.2.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 11/14/2017 7:35:19 PM
To: Uli, Gabriella M. EOP/WHO [Gabriella.M.Uli@who.eop.gov]; Flynn, Matthew J. EOP/WHO [Matthew.J.Flynn@who.eop.gov]; john.k.mashburn@who.eop.gov; william.j.mcginley@who.eop.gov; Paranzino, Anthony M. EOP/WHO [Anthony.M.Paranzino@who.eop.gov]; staffsecretary@who.eop.gov
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA - Cabinet Affairs 30 Day Report 11.13.17
Attachments: EPA Cabinet 30 Day Report 11.13.17.docx

See attached for EPA's 30 day report. Please let us know of any questions.

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202-380-7967