Message

From: Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]
Sent: 1/31/2018 5:51:33 PM
To: 'Susan Bodine (bodine.susan@epa.gov)' [bodine.susan@epa.gov]
Subject: FW: NSR Reform

As we engage with OAR on NSR reform conversations, we need to know what, if any, cases would be affected by particular reform proposals. But to get that information, OECA folks (including regional enforcement staff) need to know which reform efforts are being considered. So far, that's been closely held information (at least within OECA). We could ask the following question:

"Which cases (either active or in development) are based on claims or defenses relating to project netting, source aggregation, project aggregation, or the demand growth exclusion?"

I'd propose that I coordinate with OAR before we send out any question like this under the principle of "no surprises," but they *should* not find it controversial that we would want to know which cases would be affected by policy changes. We did the same thing on a change in policy related to CAA Title V appeals, though that process was a little more transparent.

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From: Traylor, Patrick
Sent: Wednesday, January 31, 2018 12:29 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: NSR Reform

Good point. Let me discuss with Susan before the reveal.

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From: Brooks, Phillip
Sent: Wednesday, January 31, 2018 12:20 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: NSR Reform

We can do this, but we will have to reveal that OAR is considering specific changes. The process of vetting cases that AED is not directly involved with is not very quick. We are starting to hear concerns form the Regions about the Once in Always in pronouncement, but I do not have enough information to evaluate these matters.

From: Traylor, Patrick
Sent: Wednesday, January 31, 2018 11:30 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: NSR Reform

Phill:

Referring to the December 5 draft NSR reform workplan from OAR, I'd like to ask that AED prepare a list of specific cases (or categories of cases) that would be affected by NSR reform work. I did not hear back that the once-in-always-in guidance affected our cases, and I already know about the effect of the project actual emissions guidance. We will use this case list to focus on reform efforts where we need to have a more fulsome engagement with OAR.

Thanks,
Patrick

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