Message

From: Laumann, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=975E0180B2BB45B094CDFAB41DC273B1-LAUMAN, SARA]
Sent: 7/1/2019 10:22:00 PM
To: Wauters, Patrick [wauters.patrick@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Spangler, Matthew [Spangler.Matthew@epa.gov]
CC: Law, Donald [Law.Donald@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo
Attachments: Attorney Client Communication - Coal Contract Research

…and echoing my support for the below, as well as sharing the research I did earlier this year on this coal contract, attached to this email.

Ex. 5 AC/DP

Sara L. Laumann, Senior Assistant Regional Counsel
Media Law Counseling Section, Legal Counseling & FOIA Branch, Office of Regional Counsel, EPA Region 8 (Mountains & Plains)

Phone: (303) 312-6443
Mail code: 8RC-LC-MC

From: Wauters, Patrick
Sent: Thursday, June 27, 2019 2:40 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Spangler, Matthew <Spangler.Matthew@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

Thanks for the great feedback so far. I'm trying to confirm a time to have an internal call to brief my management before we call ND. I'll let you all know when I hear back.

Thanks,

Patrick

From: Carrillo, Andrea
Sent: Thursday, June 27, 2019 12:20 PM
To: Spangler, Matthew <Spangler.Matthew@epa.gov>; Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Spangler, Matthew
Sent: Thursday, June 27, 2019 1:38 PM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

Sounds like a good plan. Here are my (lengthy) initial thoughts:

Next steps:

Ex. 5 Deliberative Process (DP)

Source determination:

Ex. 5 Deliberative Process (DP)

- ND argues: "However, the CS station cannot simply demand more coal than the 3.2 million ton annual restriction and potentially force the CCM into additional applicable air pollution requirements given that the amount of coal mined at CCM is restricted by legally enforceable PTC/PTO conditions. Department review and approval is necessary to increase the maximum amount of coal mined, so the amount of coal mined (and associated air pollution requirements) is governed by the Department's permitting process and not by the CS station." Page 3.
- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

RTC:

Ex. 5 Deliberative Process (DP)

Matt Spangler
U.S. EPA/ OAQPS/ AQPD/ OPG
(919) 541-0327 | spangler.matthew@epa.gov

From: Wauters, Patrick
Sent: Thursday, June 27, 2019 11:55 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Spangler, Matthew <Spangler.Matthew@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

My management thinks it would be a good idea to schedule a call with ND including my management to go over our take on ND's most recent source determination and response to comments. So maybe we should all try to provide some

initial thoughts via email in the next several days, and have an internal call next week (July 3?) to organize our conclusions and approach, then schedule a call with ND maybe the week of July 8th? I'm not sure if a written response would be necessary. Let me know your thoughts.

Patrick

From: Carrillo, Andrea
Sent: Wednesday, June 26, 2019 8:57 AM
To: Spangler, Matthew <Spangler.Matthew@epa.gov>; Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

As a heads up, I know we have various people out of the office for significant chunks of July (Ex. 6 Personal Privacy (PP) example). So if there is a hard date the region would like to get back to ND by that would be good to know so that we can try to get our thoughts to those covering ahead of time, as needed.

From: Spangler, Matthew
Sent: Wednesday, June 26, 2019 10:52 AM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

Sounds good to me.

Matt Spangler
U.S. EPA/ OAQPS/ AQPD/ OPG
(919) 541-0327 | spangler.matthew@epa.gov

From: Wauters, Patrick
Sent: Wednesday, June 26, 2019 10:49 AM
To: Spangler, Matthew <Spangler.Matthew@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

I'm not aware of a timeline yet, but maybe we can schedule a call for next week sometime?

From: Spangler, Matthew
Sent: Wednesday, June 26, 2019 8:48 AM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: DRAFT Coyote Station Response to Comments and Source Determination Memo

Patrick, thanks for sharing this. I'll try to get you some written feedback in the next day or two. I'm also thinking it might be helpful to schedule a half hour call for us to discuss the content and process/next steps once folks have had a chance to read it over. Does the Region have a timeline for getting back to ND?

Matt Spangler
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(919) 541-0327 | spangler.matthew@epa.gov

From: Wauters, Patrick
Sent: Tuesday, June 25, 2019 2:38 PM
To: Spangler, Matthew <Spangler.Matthew@epa.gov>; Laumann, Sara <Laumann.Sara@epa.gov>; Law, Donald <Law.Donald@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: FW: DRAFT Coyote Station Response to Comments and Source Determination Memo

Hi all,

We just received the latest draft of North Dakota's source determination for Coyote Creek Mine, along with their response to comments. They are asking for any input from us before they finalize and issue these documents. Please weigh in with any comments when you get a chance to read them.

Thanks,

Patrick

From: Stroh, David E. <deStroh@nd.gov>
Sent: Tuesday, June 25, 2019 9:22 AM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Fallon, Gail <fallon.gail@epa.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: DRAFT Coyote Station Response to Comments and Source Determination Memo

Hello Patrick,

As a follow-up to my voicemail regarding the Otter Tail Power Company - Coyote Station Title V permit renewal. The two documents attached and listed below are the source determination memo (this will look familiar as you have seen a draft of this before, last discussed in March); and the response to comments memo (this is new and address' the comments received on the draft Title V renewal).

Attached you will find:

- "190625Coyote Station Response to Comments on Title V permit_DRAFT" document " (comments received on 7/21/2018 per the Title V renewal for Otter Tail - Coyote Station)
- "190625SourceDeterminationMemo_DRAFT " (for Coyote Station and Coyote Creek Mine, supports the response to comments memo)

NDDEQ would appreciate your review and input regarding these draft documents. At this time, we believe we have addressed each of the comments received and will now (pending comments from you/EPA) be able to complete the permit record for Coyote Station and initiate the 45 day EPA review period for this Title V permit renewal. Once these are finalized, NDDEQ will send an formal letter to initiate the review period.

Should you have any questions, comments, concerns or if you would like to set-up a meeting between NDDEQ and EPA to discuss, let me know.

I apologize for the delay in getting these updated draft files to you for review, quite a bit of legal cases going on in North Dakota which has delayed the process.

Thanks,
David

David Stroh
Environmental Engineer

701-328-5188 • destroh@nd.gov

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From: Wauters, Patrick <wauters.patrick@epa.gov>
Sent: Thursday, March 21, 2019 4:30 PM
To: Stroh, David E. <deStroh@nd.gov>
Cc: Fallon, Gail <fallon.gail@epa.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: RE: Revised ND Source Determination Memo for CS and CCMC - DRAFT

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

Sounds good, thanks for sharing David. I'll get back to you soon with comments.

Patrick

From: Stroh, David E. <deStroh@nd.gov>
Sent: Thursday, March 21, 2019 3:10 PM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Cc: Fallon, Gail <fallon.gail@epa.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: Revised ND Source Determination Memo for CS and CCMC - DRAFT

Patrick,

I have attached a revised draft of North Dakota's source determination memorandum for Coyote Station (CS) and Coyote Creek Mine (CCM). This revised draft memo focuses on the LSA and Meadowbrook letter and not on response to comments provided by CS and CCM in their respective responses to comments (which is what the first draft memo highlighted).

Note: our legal hasn't reviewed this revised draft, but we would still appreciate your review and comments.

Once reviewed, please give me a call and we can discuss next steps. If I hear from our legal between now and then, I will contact you with any significant changes we are made aware of.

Thanks,

David Stroh
Environmental Engineer

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From: Stroh, David E.
Sent: Friday, February 15, 2019 10:54 AM
To: 'Wauters, Patrick' <wauters.patrick@epa.gov>; 'Fallon, Gail' <fallon.gail@epa.gov>
Cc: O'Clair, Terry L. <toclair@nd.gov>; Semerad, Jim L. <jsemerad@nd.gov>; Thorstenson, Craig D. <cthorstenson@nd.gov>; Schneider, Kyla K. <kkschneider@nd.gov>
Subject: North Dakota Source Determination Memo for CS and CCMC - DRAFT

Gail and Patrick,

As a follow-up to our call on February 14, 2019 and regarding the ongoing work with EPA in completing our stationary source determination for the Coyote Station and Coyote Creek Mining Company; please see the attached DRAFT source determination.

The Department has appreciated EPA's comments to date and requests EPA Region 8 review the attached. A follow-up with the Department would be appreciated to provide assurance that the direction taken satisfies the source determination criteria (or provide feedback on the Department's DRAFT determination). This will help ensure not only that the proper decision will be made, but the supporting documentation sufficiently supports this decision.

Please contact me upon review to discuss the next steps.

Thanks,

David Stroh
Environmental Engineer

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