Message

From: Wauters, Patrick [wauters.patrick@epa.gov]
Sent: 10/4/2018 5:27:05 PM
To: Fallon, Gail [fallon.gail@epa.gov]
Subject: RE: Coyote Station Title V Permit
Attachments: Coyote Creek ; Coyote Creek draft letter to state and draft DOJ referral letter

Hi Gail, here are the two relevant emails I turned up regarding Coyote Creek that I was involved in with Mike in late 2016. They explain all that I recall about the situation. The second email contains two document drafts, one was a letter EPA wrote to ND explaining how our interpretation of NSPS subpart Y differed from theirs and how we would consider the open coal piles to be part of the coal processing facility. The second is an amicus brief to the court explaining our position and defending our interpretation of subpart Y. Should I follow up with Mai to confirm if these letters were actually sent, and get final drafts?

These are both from my email archives, I'm not able to access Mike's emails to dig any farther back. Let me know if you think this is a priority and I can have IT help me access Mike's historic emails.

Thanks,
Patrick

From: Fallon, Gail
Sent: Wednesday, October 3, 2018 4:30 PM
To: Wauters, Patrick <wauters.patrick@epa.gov>
Subject: RE: Coyote Station Title V Permit

Hi Patrick – Thanks for forwarding this. I have not read everything yet, but we will most definitely need to get OAQPS involved and likely ORC/OGC. Even though it may be an old issue, we will be looking at it in a different light based on the April 30, 2018 Meadowbrook letter. As a first step for you, please send me a summary of what you had discussed with Mike (as best you can) along with any relevant previous correspondence between EPA and ND on the source determination for Coyote Station. I'll go ahead and forward the ND package we received today to OAQPS and let them know we are doing some research on our past position and offer this project to ORC for an attorney assignment. I'm also going to involve DJ since you'll be out next week but we'll let you take over again when you get back.

Thanks,
Gail

From: Wauters, Patrick
Sent: Wednesday, October 3, 2018 2:01 PM
To: Fallon, Gail <fallon.gail@epa.gov>
Subject: FW: Coyote Station Title V Permit

Hi Gail, how should we proceed with this? Sounds like ND wants us to weigh in on the issue of Coyote Creek Mining Company (CCMC) and Coyote station being under "common control." I believe this has been a long-running dispute, which Mike Owens filled me in on two years ago, and I had discussed a little with ORC. Should I get in touch with ORC for their take on it, or get help from our staff crafting a reply?

Patrick

From: Thorstenson, Craig D. [mailto:cthorstenson@nd.gov]
Sent: Wednesday, October 3, 2018 9:49 AM
To: Wauters, Patrick <wauters.patrick@epa.gov>

Cc: JJ England <jj@braatenlawfirm.com>; donn.steffen@nacoal.com; mthoma@otpco.com
Subject: Coyote Station Title V Permit

Patrick,

Attached is a copy of a letter regarding the Coyote Station Title V permit.

Feel free to contact us with any questions.

Craig

Craig Thorstenson
Environmental Engineer
Permitting Supervisor
North Dakota Dept. of Health
Division of Air Quality
918 E. Divide Avenue, 2nd Floor
Bismarck, ND 58501-1947

Phone: 701-328-5188
Fax: 701-328-5185
E-mail: cthorstenson@nd.gov
Website: https://deq.nd.gov/aq/