Message

From: Field, Jeff [Field.Jeff@epa.gov]
Sent: 4/3/2020 2:37:45 PM
To: Chen, Alexander [Chen.Alex@epa.gov]
Subject: RE: Force Majeure - Request for Clarification

thanks

From: Chen, Alexander <Chen.Alex@epa.gov>
Sent: Friday, April 03, 2020 9:35 AM
To: Field, Jeff <Field.Jeff@epa.gov>
Subject: RE: Force Majeure - Request for Clarification

Hi Jeff -

Ex. 5 Attorney Client (AC)

Alex Chen
Senior Counsel, Air
EPA Region 7
11201 Renner Boulevard
Lenexa, KS

(913) 551-7962

From: Field, Jeff <Field.Jeff@epa.gov>
Sent: Friday, April 03, 2020 8:32 AM
To: Chen, Alexander <Chen.Alex@epa.gov>
Subject: FW: Force Majeure - Request for Clarification

Alex,

Ex. 5 Attorney Client (AC)

Jeff

From: Johnson, Keith <johnson.keith@epa.gov>
Sent: Friday, April 03, 2020 7:46 AM
To: Field, Jeff <Field.Jeff@epa.gov>

Cc: Algoe-Eakin, Amy <Algoe-Eakin.Amy@epa.gov>
Subject: FW: Force Majeure - Request for Clarification

This other question below from Steve was asking for a regulatory interpretation, rather than a hypothetical situation. I'm not sure what EPA's interpretation would be. Have not come across this situation.

From: Johnson, Keith
Sent: Wednesday, April 01, 2020 3:55 PM
To: Field, Jeff <Field.Jeff@epa.gov>
Subject: FW: Force Majeure - Request for Clarification

From: Sidebottom, Steve <Steve.Sidebottom@dnr.mo.gov>
Sent: Wednesday, April 01, 2020 3:53 PM
To: Johnson, Keith <johnson.keith@epa.gov>
Cc: Vander Veen, Josh <josh.vanderveen@dnr.mo.gov>; Guinn, Laura <Laura.Guinn@dnr.mo.gov>
Subject: Force Majeure - Request for Clarification

Hi Keith,

The Program is evaluating the definition of force majeure as it pertains to COVID-19 implications. Please find attached, a review of 40 CFR Part 60 and Part 63 regarding force majeure. Part 63 clearly defines a Performance Test and Performance Evaluation where as Part 60 is more unclear. When you read about force majeure in Part 63 and Part 60, the language specifically addresses/states Performance Testing. It does not speak to Performance Evaluations.

Please clarify if EPA believes COVID-19 implications that prevent an owner or operator from complying with the regulatory requirement to conduct performance tests fall under the definition of a force majeure for both performance tests and performance evaluations?

Should you need to speak with me directly, please know that I am working from home and can be reached at (5732) 378-4025.

Thank you.

Steve Sidebottom.