Message

From: Daly, Carl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AD9EB9A4AE3A427BA3A1907142AD3E0C-DALY, CARL]
Sent: 6/22/2021 7:24:41 PM
To: Raines, Brenda [Raines.Brenda@epa.gov]
CC: Morales, Monica [Morales.Monica@epa.gov]
Subject: RE: Utah's 179B(b) Demonstration

I think you can delete it now, thanks.

Carl Daly
303-312-6416

From: Raines, Brenda <Raines.Brenda@epa.gov>
Sent: Tuesday, June 22, 2021 10:57 AM
To: Daly, Carl <Daly.Carl@epa.gov>
Cc: Morales, Monica <Morales.Monica@epa.gov>
Subject: RE: Utah's 179B(b) Demonstration

Hi Carl -- Just to ensure we don't have any issues with the invite, I set up a new invite with new MS Teams link. (since I initially had the MS Teams info on the Internal HOLD and deleted the Teams info, it might have caused problems)

May I delete the Internal Hold, or should we use that invite to attach Internal documents?

From: Daly, Carl <Daly.Carl@epa.gov>
Sent: Tuesday, June 22, 2021 10:28 AM
To: Raines, Brenda <Raines.Brenda@epa.gov>
Cc: Morales, Monica <Morales.Monica@epa.gov>
Subject: FW: Utah's 179B(b) Demonstration

Brenda

Can you add these external people to the meeting invite and add the Teams link for us to use?

Carly Ferro <carly.ferro@sierraclub.org>; Noah Miterko <noah@healutah.org>; brian moenc Ex. 6 Personal Privacy (PP)
Joro Walker <joro.walker@westernresources.org>

Thanks

Carl Daly
303-312-6416

From: Joro Walker <joro.walker@westernresources.org>
Sent: Tuesday, June 22, 2021 10:05 AM
To: Daly, Carl <Daly.Carl@epa.gov>
Cc: Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Carly Ferro <carly.ferro@sierraclub.org>; Noah Miterko <noah@healutah.org>; brian moench Ex. 6 Personal Privacy (PP)
Subject: RE: Utah's 179B(b) Demonstration

Dear All,

We have settled on a day and time for our 179B(b) discussion with EPA – June 24 at noon (MDT). EPA has kindly offered to set up a meeting link, an offer I gladly accept. All the meeting participants on our end are now cc'ed here.

Thanks and I look forward to our discussion.

** this communication is privileged, confidential and exempt from disclosure **

JORO WALKER, ESQ. | General Counsel
Western Resource Advocates
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From: Daly, Carl [mailto:Daly.Carl@epa.gov]
Sent: Monday, June 21, 2021 9:02 PM
To: Joro Walker <joro.walker@westernresources.org>
Cc: Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: Re: Utah's 179B(b) Demonstration

Joro

It looks like Thursday 6/24 at noon mountain works best for our team. Do you have a virtual meeting link or do you want to use EPA's Teams link?

Thanks

Carl Daly
303-312-6416

On Jun 21, 2021, at 2:02 PM, Joro Walker <joro.walker@westernresources.org> wrote:

Thank you again for agreeing to meet with us.

After getting feedback from our groups, it turns out that June 24 -- 12 to 1 pm and 4 to 5 work best for us. If one of these times do not work for EPA, we of course can come up with more options.

We look forward to talking to you.

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From: Daly, Carl [mailto:Daly.Carl@epa.gov]
Sent: Thursday, June 17, 2021 8:24 AM
To: Joro Walker <joro.walker@westernresources.org>
Cc: Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>
Subject: Re: Utah's 179B(b) Demonstration

Ms Walker

We have reviewed your emails regarding Utah's 179B demonstration and we are preparing a response. As you probably know, EPA will be making final decisions on the attainment status of ozone nonattainment areas by early next year.

We would be happy to schedule a call with you to discuss EPA's ozone attainment determination process. Please provide some dates/times that work for you.

Regards

Carl Daly
303-312-6416

On Jun 16, 2021, at 7:32 PM, Joro Walker <joro.walker@westernresources.org> wrote:

Dear Carl Daly,

I have sent two emails to Acting Regional Administrator Thomas (on behalf of four Utah eNGOs) seeking information on Utah's 179B(b) Demonstration, submitted to EPA on May 28, 2021 and have not received a

reply. I was hoping that you might respond to my emails. I am quite puzzled by EPA's silence on what I thought would be a very reasonable request in keeping with EPA's mission and concern for the citizens of Utah. Here are the texts of the emails I sent to EPA on June 12 and June 3 respectively. Thank you for considering our requests:

Dear Acting Regional Administrator Thomas,

We have not heard back from you on our request (see below) relating to Utah's 179B(b) Demonstration, recently submitted to you. We cannot overly stress the public's profound interest in the outcome of EPA's review of the Demonstration. Our health and the health of our families, communities and environment is on the line.

Would you be so kind as to respond with an explanation of the EPA review process triggered by the Demonstration and the public involvement in that process.

We also ask that we be given the chance to meet with members of your staff who will be reviewing the Demonstration.

As we explained, the public was excluded from participating in the decisionmaking and technical analysis that led to the Demonstration and was not allowed to comment on the proposal in a way that could influence our state government in any way. Particularly because our voices have not been heard, we are hoping that EPA will provide us with a meaningful opportunity to discuss and comment on the proposal.

Thank you again for all you do to protect public health and the environment.

Dear Acting Regional Administrator Thomas,

We understand that on May 28, 2021, Utah submitted to you a 179B(b) Demonstration that purports to show "but for" anthropogenic international emissions, the Northern Wasatch Front Nonattainment Area would have attained the 2015 ozone standard as of August 2021. Should the 179B(b) Demonstration be successful, the consequences to the people living and working along the NWF, including those from disproportionately impacted communities, would be severe. Essentially, Utahns would be denied the protections afforded them by the Clean Air Act and the State of Utah would be excused from taking the steps to reduce emissions of ozone precursors that would otherwise apply to a moderate ozone nonattainment area.

Despite EPA Guidance encouraging significant public involvement in any 179B(b) Demonstration and despite requests for more time, Utah's Division of Air Quality gave the public 20 days to comment on its submission. More surprisingly, DAQ did not address our comments or those filed by others, but

merely attached them to the May 28 submission two days after the public comment period expired.

We are extremely concerned that our evaluation and critique of the 179B(b) Demonstration were not addressed and that Utah has not taken seriously its obligation to involve the public in a decision that has the potential to damage the health and adversely impact the welfare of millions of Utahns. In this context we ask EPA to: 1) let us know in detail of the process – including any opportunities for public comment – that will result from or be triggered by the submission of the 179B(b) Demonstration; and, 2) give us the opportunity to meet with EPA staff who will be reviewing the Demonstration.

We have attached our comments on the 179B(b) Demonstration for ease of access.

Thank you very much for all you do to protect the public health and welfare and the environment. We look forward to hearing from you.

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