Message

From: Natalie Nowiski [NNowiski@slb.com]
Sent: 10/15/2020 1:01:15 AM
To: Ho, Yenhung [Ho.Yenhung@epa.gov]; Albright, David [Albright.David@epa.gov]
CC: 'Rebecca Hollis' [rhollis@cleanenergysystems.com]; Pierce, Jennifer [pierce.jennifer@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]
Subject: RE: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Calvin,

Thank your for your email and for providing this information.

Hope you have a nice evening.

Best regards,
Natalie

From: Ho, Yenhung <Ho.Yenhung@epa.gov>
Sent: Wednesday, October 14, 2020 6:01 PM
To: Natalie Nowiski <NNowiski@slb.com>; Albright, David <Albright.David@epa.gov>
Cc: 'Rebecca Hollis' <rhollis@cleanenergysystems.com>; Pierce, Jennifer <pierce.jennifer@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Natalie,

We wanted to circle back with some additional information regarding your questions about ESA and NHPA requirements. Due to the shock waves associated with the 3D seismic survey, the entire property that will be included in the survey is part of the action area. The shock waves would be an impact of the action, so the area experiencing them would fit within the definition of action area. Then we would ask you, the applicant, to evaluate and explain the effects. If the shock waves will not affect listed species or critical habitat, your consultant should explain why that is the case.

Note also that if the species is subterranean or burrows, we need to analyze potential below-ground effects in the area where the species may be located. Depending on the species that may be present in your action area, you can determine whether your consultant needs to analyze potential below-ground effects or just surface effects.

Best regards,
Calvin

From: Natalie Nowiski <NNowiski@slb.com>
Sent: Tuesday, September 15, 2020 2:59 PM
To: Ho, Yenhung <Ho.Yenhung@epa.gov>; Albright, David <Albright.David@epa.gov>
Cc: 'Rebecca Hollis' <rhollis@cleanenergysystems.com>; Pierce, Jennifer <pierce.jennifer@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Calvin,

Thanks for the feedback. Hope you a have a nice evening!

Best regards,
Natalie

From: Ho, Yenhung <Ho.Yenhung@epa.gov>
Sent: Monday, September 14, 2020 7:04 PM
To: Natalie Nowiski <NNowiski@slb.com>; Albright, David <Albright.David@epa.gov>
Cc: 'Rebecca Hollis' <rhollis@cleanenergysystems.com>; Pierce, Jennifer <pierce.jennifer@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Natalie,

Passing along our regional counsels (Jennifer Pierce and Desean Garnett who're copied in this email) response to your question.

Based on the description of the seismicity test, we do not think we have enough information to evaluate whether the larger seismic study area should be included in the evaluation of the ESA "action area" and the NHPA "area of potential effects." At this point, we think a technical expert (a historian/archaeologist and a biologist) would need to explain whether or not the seismicity test could impact cultural resources or protected species as a threshold question before making a determination of the "area of potential effects" or the "action area."

Please refer to the following regulatory citations:

NHPA:

- 36 CFR 800.16(d)
    - *Area of potential effects* means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds effects caused by the undertaking.

ESA:

- 50 CFR 402.2:
    - *Action area* means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.
    - *Action* means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to: **(a)** actions intended to conserve listed species or their habitat; **(b)** the promulgation of regulations; **(c)** the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or **(d)** actions directly or indirectly causing modifications to the land, water, or air.

Please let us know if you want to discuss this further with our counsels.

Best regards,
Calvin

From: Natalie Nowiski <NNowiski@slb.com>
Sent: Wednesday, September 9, 2020 1:54 PM
To: Albright, David <Albright.David@epa.gov>; Ho, Yenhung <Ho.Yenhung@epa.gov>
Cc: 'Rebecca Hollis' <rhollis@cleanenergysystems.com>
Subject: RE: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Dear David and Calvin,

Hope you are doing well.

We are hoping you could provide some clarity on a question that has arisen with respect to the ESA and NHPA requirements.

We are currently ascertaining the parameters of the 3D seismic that will be conducted for the Class VI Permitting application. My understanding is that the required land area for this survey (10 – 18 square miles) will be substantially larger than the AoR itself (2.5 square miles) . For the purposes of the ESA and NHPA review, does the analysis need to be performed only on the AoR, or does it need to extend to the property that will be included in the 3D seismic?

A variety of permits will be required to be obtained from various government agencies (city, county, state & federal), which likely will require some form of environmental analysis and other pertinent reviews. We understand that the EPA is not involved in the 3-D seismic permitting process; however, since the data from 3D seismic is required as part of the permitting process, it is an incidental action to the Class VI Permit.

Your advice and guidance on this issue would be very much appreciated.

Best regards,
Natalie

From: Albright, David <Albright.David@epa.gov>
Sent: Wednesday, August 19, 2020 2:11 PM
To: Rebecca Hollis <rhollis@cleanenergysystems.com>; Ho, Yenhung <Ho.Yenhung@epa.gov>
Cc: Natalie Nowiski <NNowiski@slb.com>
Subject: [Ext] RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Rebecca, just to clarify, we are not intending to go over our letter in today's call. The call was requested by Natalie to discuss status and process of our application review and we just happened to get this letter out today. Hope that helps. David

David Albright
Manager, Groundwater Protection Section
USEPA Region 9 (WTR-4-2)
75 Hawthorne Street
San Francisco, CA 94105
415 972-3971

From: Rebecca Hollis <rhollis@cleanenergysystems.com>
Sent: Wednesday, August 19, 2020 11:57 AM
To: Ho, Yenhung <Ho.Yenhung@epa.gov>
Cc: Albright, David <Albright.David@epa.gov>; Natalie Nowiski <NNowiski@slb.com>
Subject: RE: EPA Site Characterization Evaluation of CES Class VI Permit Application

Thank you, Calvin. Received.
I will review as much as possible before our call.

Best Regards,
-Rebecca

Rebecca Hollis
Director Business Development -

CLEAN ENERGY SYSTEMS

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rhollis@cleanenergysystems.com
The Power to Reverse Climate Change

From: Ho, Yenhung <Ho.Yenhung@epa.gov>
Sent: Wednesday, August 19, 2020 11:28 AM
To: Rebecca Hollis <rhollis@cleanenergysystems.com>
Cc: Albright, David <Albright.David@epa.gov>; Natalie Nowiski <NNowiski@slb.com>
Subject: EPA Site Characterization Evaluation of CES Class VI Permit Application

Hi Rebecca,

We will upload the attached EPA site characterization evaluation of CES Class VI permit application to the GSDT at a later time, but are providing you a copy of the document for our call today.

Regards,
Calvin

Calvin Ho
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415-972-3262