Branigan, Terence

From: Branigan, Terence
Sent: Monday, November 21, 2016 11:37 AM
To: Bajor, John
Cc: Bahr, Ryan
Subject: RE: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client

From: Bajor, John
Sent: Monday, November 21, 2016 11:31 AM
To: Branigan, Terence <Branigan.Terence@epa.gov>
Cc: Bahr, Ryan <bahr.ryan@epa.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Good morning Terry!

Have you heard from Max as yet?

Thanks.

-Jack

From: Branigan, Terence
Sent: Friday, November 18, 2016 2:05 PM
To: Bahr, Ryan <bahr.ryan@epa.gov>; Bajor, John <bajor.john@epa.gov>
Cc: Toney, Marcy <toney.marcy@epa.gov>
Subject: FW: Jeffersonville FCA Update and Request for Modification

FYI, see emails below.

From: Branigan, Terence
Sent: Friday, November 18, 2016 2:03 PM
To: 'Kelln, H. Max' <H.Max.Kelln@faegrebd.com>; Beth Admire <badmire@idem.IN.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Max:

You previously directed EPA to route all communications with the City of Jeffersonville concerning the FCA Update and Request for Modification through Faegre Baker Daniels. EPA and IDEM are preparing to transmit a joint response to the FCA Update and Request for Modification, but have received conflicting information about where to send it. Please consult with your client and clarify for EPA and IDEM as soon as possible to whom such response should be sent.

Thank you.

Terry

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5

77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
(312) 385-5500 fax
branigan.terence@epa.gov

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Friday, November 18, 2016 1:55 PM
To: Branigan, Terence <Branigan.Terence@epa.gov>; Beth Admire <badmire@idem.IN.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

We do represent the City with respect to this matter.

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: Branigan, Terence [mailto:Branigan.Terence@epa.gov]
Sent: Friday, November 18, 2016 2:54 PM
To: Kelln, H. Max; Beth Admire
Subject: RE: Jeffersonville FCA Update and Request for Modification

Max:

With respect, your email below is not responsive to the question in my email from this morning. Please state whether Faegre Baker Daniels currently represents the City of Jeffersonville with respect to the FCA Update and Request for Modification referenced above and discussed below not later than noon Monday, November 21, 2016, or EPA will conclude that Faegre Baker Daniels no longer represents the City in this matter.

Thanks,

Terry
Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
(312) 385-5500 fax
branigan.terence@epa.gov

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Friday, November 18, 2016 1:26 PM

To: Branigan, Terence <Branigan.Terence@epa.gov>; Beth Admire <badmire@idem.IN.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Terry –

I would refer you to the public comments submitted by the City of Jeffersonville for its recently issued draft permit. Indiana rules provide permittees administrative rights for newly issued permits, including the right to appeal or request a variance. Any available options under Indiana rules would have to be considered to the extent that the issues identified in the comment letters were not resolved when the final permit is issued.

Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: Branigan, Terence [mailto:Branigan.Terence@epa.gov]
Sent: Friday, November 18, 2016 11:33 AM
To: Kelln, H. Max; Beth Admire
Subject: RE: Jeffersonville FCA Update and Request for Modification

Max-

Would you please clarify the status of Faegre Baker Daniel's representation of the City of Jeffersonville with respect to the request referenced above and discussed below?

Thanks,

Terry

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
(312) 385-5500 fax
branigan.terence@epa.gov

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Wednesday, November 16, 2016 6:55 AM
To: Branigan, Terence <Branigan.Terence@epa.gov>; Beth Admire <badmire@idem.IN.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Terry and Beth – Any update on follow-up questions/comments on the request yet? Thanks! Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: Branigan, Terence [mailto:Branigan.Terence@epa.gov]
Sent: Friday, October 28, 2016 4:17 PM
To: Kelln, H. Max; ADMIRE, BETH
Subject: RE: Jeffersonville FCA Update and Request for Modification

Hi Max-

We've had some preliminary discussions about the modification request and are preparing correspondence seeking some additional information. The consensus here is that we'd like a chance to review the additional information prior to setting up a meeting to discuss the request. I am hopeful that the correspondence will be ready to send in the very near future.

Could you explain in more detail what is meant by saying that the city will have to act to preserve its rights regarding the new permit?

Thanks,

Terry

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
(312) 385-5500 fax
branigan.terence@epa.gov

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Thursday, October 27, 2016 12:54 PM
To: Branigan, Terence <Branigan.Terence@epa.gov>; ADMIRE, BETH <BADMIRE@idem.IN.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Hi Terry –

Just checking in to see if the agencies are at a point yet where we can set up a meeting to discuss. The City of Jeffersonville's NPDES permit is nearing finalization, which will include a new phosphorus limit. So the city will have to act to preserve its rights regarding the new permit if a determination hasn't been made yet on the modification request.

Thanks!

Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: Branigan, Terence [mailto:Branigan.Terence@epa.gov]
Sent: Thursday, October 13, 2016 3:17 PM
To: Kelln, H. Max; ADMIRE, BETH
Subject: RE: Jeffersonville FCA Update and Request for Modification

Hi Max:

November 8 and 9 won't work for EPA. We're having a conference call on Monday and should have a better idea afterward about what arrangements would work from this end.

Regards,

Terry

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
(312) 385-5500 fax
branigan.terence@epa.gov

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Thursday, October 13, 2016 12:51 PM
To: ADMIRE, BETH <BADMIRE@idem.IN.gov>; Branigan, Terence <Branigan.Terence@epa.gov>
Subject: RE: Jeffersonville FCA Update and Request for Modification

Thanks Beth –

It looks like the week of the 24th doesn't work for us. We are available the first full week in November on the following dates:

- Tuesday, November 8; and
- Wednesday, November 9

Also, we want to propose having a call in advance if there are any questions/specifics you want us to address at the meeting. October 21 would work for the conference call.

Let us know if this works or is there any other dates that you area available after November 11.

Regards,

Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: ADMIRE, BETH [mailto:BADMIRE@idem.IN.gov]
Sent: Friday, October 07, 2016 10:11 AM
To: Kelln, H. Max; Branigan.Terence@epa.gov
Subject: RE: Jeffersonville FCA Update and Request for Modification

The week of the 24th would work better for me.

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Friday, October 07, 2016 10:09 AM
To: ADMIRE, BETH; Branigan.Terence@epa.gov
Subject: RE: Jeffersonville FCA Update and Request for Modification

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Thanks. Would Friday, October 21 work? Again, our preference would be to meet in Jeffersonville so we can get as much local participation (sewer board, etc.) as possible. Also, I really think Jeffersonville wants an opportunity to show other progress that has been made with the system. We can provide a fuller agenda in advance. Regards, Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

From: ADMIRE, BETH [mailto:BADMIRE@idem.IN.gov]
Sent: Monday, September 26, 2016 11:07 AM
To: Kelln, H. Max; Branigan.Terence@epa.gov
Subject: RE: Jeffersonville FCA Update and Request for Modification

Hi Max:
We have an internal meeting schedule in this matter on October 17th, so I would prefer that we meet after that.

From: Kelln, H. Max [mailto:H.Max.Kelln@faegrebd.com]
Sent: Monday, September 26, 2016 10:06 AM
To: Branigan.Terence@epa.gov; ADMIRE, BETH
Subject: Jeffersonville FCA Update and Request for Modification

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Terry and Beth –

I think by now each of you should have received Jeffersonville's FCA Update and Request for Modification. In terms of next steps, we would like to propose an in-person meeting for Jeffersonville to present the key points of its revised FCA, discuss our modification request, and answer any preliminary questions. For further reference, please see attached public comments that were submitted by Jeffersonville to IDEM as part of its recent draft permit renewal.

For the meeting, we'd propose either Tuesday, October 11, or Wednesday, October 12 as the best dates for us. Present would be Diana Hamilton (Sycamore Advisers), Chris Ranck (Arcadis), myself, Len Ashack (sewer director), and perhaps a couple members of the sewer board. Our initial preference would be to have the meeting in Jeffersonville.

Please let us know if these don't work (or feel free to propose your own) and preferred location. Please let us know if you would like to have a preliminary conference call before then as well.

Regards,

Max

H. Max Kelln
Associate
h.max.kelln@FaegreBD.com Download vCard
D: +1 317 237 1215 | M: +1 317 989 3078 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: LinkedIn

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