To: Baptist, Erik[baptist.erik@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Gunasekara, Mandy
Sent: Wed 11/1/2017 1:57:00 PM
Subject: Re: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process

Sent from my iPhone

On Nov 1, 2017, at 9:49 AM, Baptist, Erik <baptist.erik@epa.gov> wrote:

David,

We will need keep the comment period open for 30 days after the hearing. I believe our

Ex. 5 - Deliberative Process

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Wednesday, November 1, 2017 9:44 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 1, 2017 9:11 AM
To: Harlow, David <harlow.david@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Attorney-Client Privilege

Deliberative

David,

Our Cross-Cutting Issues Law Office provided OGC with the following research when we asked this question in another context:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

****

Ex. 5 - Attorney Client

44 U.S.C.S. § 1508

(LexisNexis, Lexis Advance through PL 115-45, approved 8/4/17)

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Wednesday, November 1, 2017 8:45 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Tuesday, October 31, 2017 9:01 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

David,

Ex. 5 - Attorney Client

Sent from my iPhone

On Oct 31, 2017, at 4:10 PM, Harlow, David <harlow.david@epa.gov> wrote:

Thanks, Eric, those comments were great. I've implemented them. The attached "Rev8" is now the latest version.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Tuesday, October 31, 2017 3:37 PM
To: Harlow, David <harlow.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Attorney-Client Privilege

Deliberative

David,

Some minor edits/comments are attached. Please note my proposed changes to Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Tuesday, October 31, 2017 2:28 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

The attached ("Rev7") is the latest draft, with the Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

<Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev8.docx>

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Lovell, Will (William)[lovell.william@epa.gov]
From: Feeley, Drew (Robert)
Sent: Wed 11/22/2017 11:34:19 PM
Subject: RE: draft materials for hearing prep
draft hearing prep and Q and A - DF edits.docx

I think it's a good draft. I filled in some of the blanks with suggestions for responses (yellow highlights).

From: Bolen, Brittany
Sent: Wednesday, November 22, 2017 4:05 PM
To: Lovell, Will (William) <lovell.william@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>
Subject: Fwd: draft materials for hearing prep

Sent from my iPhone

Begin forwarded message:

From: "Nickerson, William" <Nickerson.William@epa.gov>
Date: November 22, 2017 at 3:58:45 PM EST
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Curry, Bridgid" <Curry.Bridgid@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>
Subject: draft materials for hearing prep

Brittany,

I'm sending what we have right now. It is clearly still a draft, and Nicole and Bridgid will continue to work on it on Friday. The attached document has multiple placeholders, unanswered questions, and a variety of questions that you may or may not need to prepare for. Please consider this an early draft.

There are a few main sections to the document.

1. Overview of the RRTF work

2. Additional Q&A about the RRTF

3. Other Q&A about related matters such as EO 13771

4. Current status for individual, high profile rules (this is a placeholder; we are still compiling the information)

5. Examples of possible tougher questions you might want to prepare for that are farther afield

We will continue to refine this in the days to come.

Bill

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]
From: Harlow, David
Sent: Wed 10/11/2017 7:02:44 PM
Subject: Gliders: drafts of (1) interpretive rule and (2) notice of interpretation
GlidersInterpretiveRule.docx
GlidersNOI - Copy.docx

Brittany,

Attached are drafts of two documents. The first is the original document (*i.e.*, the one you have in hard copy). Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Charmley, William[charmley.william@epa.gov]
Cc: Iffland, JoNell[Iffland.JoNell@epa.gov]; Gonzalez, Gail[Gonzalez.Gail@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Bolon, Kevin[Bolon.Kevin@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Alson, Jeff[alson.jeff@epa.gov]; Snapp, Lisa[snapp.lisa@epa.gov]; Barba, Daniel[Barba.Daniel@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Buchsbaum, Seth[buchsbaum.seth@epa.gov]
From: Moran, Robin
Sent: Wed 10/18/2017 12:33:09 PM
Subject: Agenda for Bill's 9am MTE Weekly

Link and pasted below:

October 11, 2017 MTE Weekly w/Bill -- Agenda (Web view)

October 11, 2017 MTE Weekly w/Bill -- Agenda

Wednesday, October 11, 2017

10:22 AM

- Next steps from 10/13 briefing w/Political leadership
- Next step: EPA-NHTSA meeting w/politicals
  - Agenda
  - Briefing material

Not Responsive

Not Responsive

[Do we want to add updates on Not Responsive HD NOx & GHGs (gliders/trailers)?

Not Responsive

Not Responsive

Robin Moran

Senior Policy Advisor

U.S. EPA, Office of Transportation and Air Quality

2000 Traverwood Dr.

Ann Arbor, MI 48105

(734) 214-4781 (phone)

(734) 214-4821 (fax)

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Charmley, William[charmley.william@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Grundler, Christopher
Sent: Wed 10/18/2017 3:02:52 AM
Subject: Re: Agenda for OTAQ weekly with Sarah

I think it's easier to handle via email

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 17, 2017, at 10:17 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Hi all:

Attached (and copied below) is the draft agenda for out OTAQ weekly tomorrow.

Not Responsive

thanks,

Ben

Not Responsive

Not Responsive

Status update: glider work

Not Responsive

See separate agenda

<OTAQ Weekly with Sarah, 10.18.17.docx>

To: Mylan, Christopher[Mylan.Christopher@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Parsons, Christy
Sent: Mon 11/20/2017 9:38:56 PM
Subject: RE: CHRIS/OTAQ: EE NEWS - 11/20 - Glider kits
HD Recision Roll Out 11-3 tls.docx

Thanks very much for flagging these questions from E&E News Chris.

Bill would like to look at the questions and will work to get responses to you tomorrow.

Christy

From: Mylan, Christopher
Sent: Monday, November 20, 2017 4:25 PM
To: Parsons, Christy <Parsons.Christy@epa.gov>; Brunner, Christine <brunner.christine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: FW: CHRIS/OTAQ: EE NEWS - 11/20 - Glider kits

Hello Everyone,

Any suggestions on a response for these questions from E&E News? There is not much language in the desk statement or Q/As (attached) that speak about an RIA or impact analysis. I can put something general together, but I thought it would be best to reach out beforehand.

Thanks,

Christopher Mylan

Communications Specialist

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Phone: (202) 564-7411

OUTLET **EE NEWS**

REPORTER **CAMILLE VON KAENEL**

DDL **11/20/17**

I'm writing about glider kits and I'm wondering if you can help me out with the story.

- Is there a reason why EPA staff's analysis on the public health impacts and the economic impacts of the repeal of the emissions requirement for glider kits was not included in the proposal?

- Is there a reason there was no draft regulatory impact analysis submitted with the FR notice on the repeal?

- Is EPA staff conducting tests on glider kits?

Let me know by noon if possible!

To: Charmley, William[charmley.william@epa.gov]
From: Haugen, David
Sent: Mon 11/13/2017 2:34:46 PM
Subject: RE: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Bill,

Thanks for including me on this note.

David

From: Charmley, William
Sent: Monday, November 13, 2017 6:06 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Dear Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions on this topic.

Bill

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Cullen, Angela
Sent: Tue 8/22/2017 6:36:58 PM
Subject: RE: HD Check-in

I will be there.

From: Charmley, William
Sent: Tuesday, August 22, 2017 2:27 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: Fwd: HD Check-in

Angela and Kathryn,

Ex. 5 - Deliberative Process

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: "Sargeant, Kathryn" <sargeant.kathryn@epa.gov>
Date: August 22, 2017 at 2:22:56 PM EDT
To: "Sutton, Tia" <sutton.tia@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Moulis, Charles" <moulis.charles@epa.gov>, "Cullen, Angela" <cullen.angela@epa.gov>
Cc: "Storhok, Ines" <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:49 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:44 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn
Sent: Tuesday, August 22, 2017 12:52 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Tuesday, August 22, 2017 12:46 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Dear all –

I won't be able to participate in this call today. I am hoping that Angela and Kathryn can join.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

From: Moulis, Charles
Sent: Tuesday, August 22, 2017 12:08 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: HD Check-in

Here are the questions I have so far (not all to be answered today):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Appointment-----
From: Sutton, Tia
Sent: Monday, August 21, 2017 1:15 PM
To: Sutton, Tia; Moulis, Charles; Hengst, Benjamin; Orlin, David; Kataoka, Mark
Cc: Charmley, William; Cullen, Angela
Subject: HD Check-in
When: Tuesday, August 22, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Call-in: (866) Ex. 6 - Personal Privacy

Ex. 5 - Deliberative Process

Ex. 6 - Personal Privacy

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; Ex. 6 - Personal Privacy Charmley, William[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Mon 8/14/2017 3:40:52 PM
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 11:38 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Ex. 6 - Personal Privacy
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:36 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Ex. 6 - Personal Privacy
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client Ben

From: Dravis, Samantha
Sent: Monday, August 14, 2017 11:05 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Re: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

Sent from my iPhone

On Aug 14, 2017, at 10:58 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Ex. 5 - Attorney Client

Sent from my iPhone

On Aug 14, 2017, at 10:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Ex. 5 - Attorney Client thanks.

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 9:04 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

From: Baptist, Erik
Sent: Monday, August 14, 2017 8:58 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Ex. 5 - Attorney Client

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Friday, August 11, 2017 1:56 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Revised letter to trailer petitioners

Erik and Mandy:

Ex. 5 - Attorney Client

Thanks,

Ben

To: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Burch, Julia[Burch.Julia@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Anderson, Robert[Anderson.Robert@epa.gov]
From: Hengst, Benjamin
Sent: Wed 1/17/2018 9:40:08 PM
Subject: RE: SAB & Reg agenda: science/peer review templates

Looks good to me.

From: Sutton, Tia
Sent: Wednesday, January 17, 2018 3:58 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>
Subject: FW: SAB & Reg agenda: science/peer review templates

Ben, Bill and Kathryn,

Attached for your review is our Fuels Reg Streamlining draft for SAB (we left a couple comment bubble notes in here to explain our thinking on some of the language here).

Please let us know if you have comments or questions. Thanks!

-Tia

From: Machiele, Paul
Sent: Wednesday, January 17, 2018 9:54 AM
To: Anderson, Robert <Anderson.Robert@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: ACTION for Paul: SAB & Reg agenda: science/peer review templates
Importance: High

From: Sargeant, Kathryn

Sent: Tuesday, January 16, 2018 3:37 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Subject: ACTION for Paul: SAB & Reg agenda: science/peer review templates
Importance: High

Ex. 5 - Deliberative Process

These are due to OAR on Friday, so do you think you could send something around to Bill, me, Ben, and Julia sometime on Thursday? Thanks so much! Let me know if you have any questions.

From: Sargeant, Kathryn
Sent: Wednesday, January 10, 2018 3:34 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: ACTION: SAB & Reg agenda: science/peer review templates due 1/19
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hockstad, Leif
Sent: Wednesday, January 10, 2018 2:12 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Birnbaum, Rona

<Birnbaum.Rona@epa.gov>; Kolb, Laura <Kolb.Laura@epa.gov>
Cc: Shoaff, John <Shoaff.John@epa.gov>
Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

From: Shoaff, John
Sent: Wednesday, January 10, 2018 12:21 PM
To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Hockstad, Leif <Hockstad.Leif@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>
Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

All,

Happy new year! Somewhat like clockwork, here again is the **semiannual request for descriptions of requisite planned actions (7 for OAR) from SABSO on the Fall 2017 reg agenda**. The second attachment is the **template** we need to complete, where appropriate, for each action, see those highlighted in table below. Believe they fall largely to OAQPS & OTAQ. **Please do your best to get these back to Leif Hockstad by COB Friday, Jan. 19** so that we have a little lead time for IO review and refinement if needed. Let us know if you've any questions or would like to discuss.

Relatedly, and for awareness, SABSO sent EPA descriptions of planned actions to a subset of current SAB members to initiate the review of the **Spring 2017** regulatory agenda, see last attachment for a refresh on what we shared in this regard. On the table of actions, SABSO noted that three actions have associated FR publications since the compilations were submitted in September. They have asked SAB members to begin their review and identify any questions they may have about the planned **Spring** actions in early January and to provide availability for a fact finding call if needed, likely for later in Jan. or early Feb. When we get more information on a possible fact finding teleconference(s), we'll let you know. Recall, that the fact finding teleconference is NOT a public call.

There may be some overlap in the work flow between Fall templates and the possible fact-

finding call on planned Spring actions; we'll keep you posted. Thanks! Best,

John

John Shoaff | Leader, Policy Support Group

Office of Air Policy & Program Support (OAPPS)

Office of Air & Radiation | U.S. EPA | WJC North 5442-B

1200 Pennsylvania Ave. NW | MC 6103A | Washington, D.C. | 20460 | USA

Shoaff.john@epa.gov | **1-202-564-0531 Direct | 1-202-257-1755 Mobile**

From: Carpenter, Thomas
Sent: Wednesday, January 3, 2018 5:23 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Hockstad, Leif <Hockstad.Leif@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>; Zarba, Christopher <Zarba.Christopher@epa.gov>
Subject: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

Greetings,

The Office of Policy identified 9 actions to be considered by the SAB in their evaluation of the supporting science for planned actions based on the protocols developed by EPA. The 9 actions that need a completed template and responsible program office are listed in the table below. Please note that 2 actions are in the long-term action stage of rulemaking. The regulatory agenda no longer has a "pending" agenda status of rulemaking for planned actions. Actions previously listed as pending were classified as "inactive" or moved to another status category.

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Please provide your Office's completed templates to me by January 24, 2018. The SAB Staff Office will convene the Work Group after materials are provided.

Please call if you have any questions.

Best,

Tom

Thomas Carpenter

Designated Federal Officer / Sr. Biologist

US EPA Science Advisory Board, MC 1400R

1200 Pennsylvania Avenue, NW

Washington DC 20460

ph 202 564 4885 Fax 202 565 2098

RIN	Title	Agency	Agenda Stage of Rulemaking	Publication	New	Tier

Ex. 5 - Deliberative Process

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Grundler, Christopher
Sent: Fri 1/19/2018 6:33:32 PM
Subject: Re: Draft Glider Briefing

Yes pls. Good background info

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Jan 19, 2018, at 1:32 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Chris—you want to send this even if Monday's meeting is coming off the books?

On Jan 19, 2018, at 1:31 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

This is good to go to Bill et al. Thanks

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
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734.645.5221 (mobile)
www.epa.gov/otaq

On Jan 19, 2018, at 11:41 AM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Got it, will do!

From: Grundler, Christopher

Sent: Friday, January 19, 2018 11:41 AM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: Re: Draft Glider Briefing

On my list for today. Pls wait

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Jan 19, 2018, at 11:12 AM, Sutton, Tia <sutton.tia@epa.gov> wrote:

> Chris – I assume you saw this and are already planning to review/have reviewed…but just checking in to make sure (mainly so I don't forget to send down to OAR! ☺).

> **From:** Moulis, Charles
> **Sent:** Thursday, January 18, 2018 3:37 PM
> **To:** OTAQ Materials <OTAQMaterials@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
> **Subject:** Draft Glider Briefing

Chris,

Here is the draft glider briefing for Bill Wehrum on Monday. Please let Bill Charmley know if you have any comments.

Chuck

<DRAFT Glider Reconsideration Update for Bill Wehrum.pptx>

To: Charmley, William[charmley.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
From: Corey, Richard@ARB
Sent: Sun 9/17/2017 6:17:09 PM
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Bill/Chris,

Ex. 5 - Deliberative Process

Richard

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, September 15, 2017 8:26 AM
To: Corey, Richard@ARB
Cc: Grundler, Christopher
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Richard,

Thanks for the response, and safe travels.

I know that on most of these topics you and Chris have been in regular communication.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I will be sending later today information to you and Cynthia Marvin on this, and hopefully Cynthia can participate on Monday. I will also try to give her a call today.

Best regards,

Bill

From: Corey, Richard@ARB [mailto:richard.corey@arb.ca.gov]
Sent: Friday, September 15, 2017 11:12 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Thanks Bill. I will miss you all as I am traveling but plan to catch up soon.

Richard

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, September 14, 2017 9:32 AM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Haugen, David; Simon, Karl; Hebert, Annette@ARB; Kitowski, Jack@ARB; Carter, Michael@ARB; Corey, Richard@ARB; Bevan, Analisa@ARB; Fuentes, Mark@ARB; Bunker, Byron; Cliff, Steve@ARB; Fuentes, Mark@ARB; McCarthy, Mike@ARB; Marvin, Cynthia@ARB
Subject: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Dear all –

The September ARB-OTAQ monthly coordination call is scheduled for this upcoming Monday from 12-1 west coast/3-4 eastern.

This email is a request for Agenda Items

Below is an initial draft of potential Agenda items. If I could receive feedback on this by the end of the day on Friday in California, I'll send around a final version over the weekend.

I have added Steve Cliff to this email, and I forwarded to Steve the appointment scheduler (congratulations Steve on your new position).

I have also included Cynthia because there is an update on the marine ECA that I want to provide to Cynthia and Richard.

Best regards,

Bill

DRAFT Agenda Items

Ex. 5 - Deliberative Process

-----Original Appointment-----
From: Grundler, Christopher
Sent: Friday, September 09, 2016 2:50 PM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Charmley, William; Haugen, David; Simon, Karl; Ayala, Alberto@ARB; Hebert, Annette@ARB; jack.kitowski@arb.ca.gov; Carter, Michael@ARB; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron
Cc: Fuentes, Mark@ARB; McCarthy, Mike@ARB
Subject: Monthly OTAQ/ARB Senior Leadership Coordination **Ex. 6 - Personal Privacy**
When: Monday, September 18, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: C174/Rm 6520

To: Charmley, William[charmley.william@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Mitchell, George
Sent: Tue 10/17/2017 10:27:00 AM
Subject: RE: the glider vehicle

Hi Bill,

Ex. 5 - Deliberative Process

Regards,

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Charmley, William
Sent: Tuesday, October 17, 2017 6:02 AM
To: Cullen, Angela <cullen.angela@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: the glider vehicle

Dear Angela and George,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'm on leave most of today, but in the office on Wednesday and Thursday.

Thanks

Bill

To: Charmley, William[charmley.william@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Sanchez, James
Sent: Mon 12/4/2017 12:46:30 PM
Subject: RE: For review: Draft HD NOx briefing for Bill W and Mandy G
DRAFT HD NOx briefing for EPA leadership Dec 2017 Current Version.pptx

Bill,

Attached is the presentation.

Thanks

James

From: Charmley, William
Sent: Monday, December 04, 2017 7:22 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Re: For review: Draft HD NOx briefing for Bill W and Mandy G

Cay and James

Can you email me a copy of the document.

I will ask someone in DC to print for me when I get to the EPA offices

Thanks

Bill

Sent from my iPhone

On Nov 30, 2017, at 4:49 PM, Yanca, Catherine <yanca.catherine@epa.gov> wrote:

Yanca, Catherine has shared a OneDrive for Business file with you. To view it, click the link below.
<image00001.png>DRAFT HD NOx briefing for EPA leadership Dec 2017 Current Version.pptx

Hi Bill and Kathryn,

Ex. 5 - Deliberative Process

I believe Bill told Chris we would have something to him on Friday or Monday.

Ex. 6 - Personal Privacy

Thanks!

~Cay

To: Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
Cc: cookleila@ymail.com[cookleila@ymail.com]
From: Hengst, Benjamin
Sent: Mon 8/14/2017 3:35:27 PM
Subject: FW: Revised letter to trailer petitioners
HD Trailer petition response intent to revisit_mmg edits.docx

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 9:04 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

From: Baptist, Erik
Sent: Monday, August 14, 2017 8:58 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Ex. 5 - Attorney Client

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Friday, August 11, 2017 1:56 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Revised letter to trailer petitioners

Erik and Mandy:

Not Responsive; Ex. 5 - Attorney Client; Deliberative Process

Not Responsive; Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client

Thanks,

Ben

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Sargeant, Kathryn
Sent: Wed 1/17/2018 9:19:59 PM
Subject: For Review: Glider:SAB & Reg agenda: science/peer review template
EPA action description for SAB_Glider Repeal.docx

Attached please find the write-up for gliders as we discussed on the phone.

Ben, Bill, and Julia--you should have received the **Not Responsive** from Tia directly. (It looked ok to me.)

I expect something to share from Robin later tomorrow. Bill has advised (and Robin agrees) that **Not Responsive** So stay tuned for that.

Let me know any comments on the attached glider piece.

As you know, all of them are due to OAPPS on Friday.

From: Hengst, Benjamin
Sent: Friday, January 12, 2018 11:49 AM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: ACTION: SAB & Reg agenda: science/peer review templates due 1/19

I will to set up a call to discuss this, and will include Orlin

From: Sargeant, Kathryn
Sent: Wednesday, January 10, 2018 3:34 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: ACTION: SAB & Reg agenda: science/peer review templates due 1/19

Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'm interested in your thoughts on substance, next steps, and/or process (doesn't necessarily have to be through email).

From: Hockstad, Leif
Sent: Wednesday, January 10, 2018 2:12 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Kolb, Laura <Kolb.Laura@epa.gov>
Cc: Shoaff, John <Shoaff.John@epa.gov>
Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

From: Shoaff, John
Sent: Wednesday, January 10, 2018 12:21 PM
To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Hockstad, Leif <Hockstad.Leif@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>
Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

All,

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Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>; Zarba, Christopher <Zarba.Christopher@epa.gov>
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Please call if you have any questions.

Best,

Tom

Thomas Carpenter

Designated Federal Officer / Sr. Biologist

US EPA Science Advisory Board, MC 1400R

1200 Pennsylvania Avenue, NW

Washington DC 20460

ph 202 564 4885 Fax 202 565 2098

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
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Christopher Grundler, Director
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Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

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From: Moulis, Charles
Sent: Thursday, January 18, 2018 3:37 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Draft Glider Briefing

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Chuck

<DRAFT Glider Reconsideration Update for Bill Wehrum.pptx>

To: Charmley, William[charmley.william@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Haugen, David[haugen.david@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Grundler, Christopher
Sent: Mon 11/13/2017 2:15:39 PM
Subject: RE: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Thanks Bill.

From: Charmley, William
Sent: Monday, November 13, 2017 6:06 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Dear Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions on this topic.

Bill

To: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]
From: Sargeant, Kathryn
Sent: Tue 8/22/2017 6:22:56 PM
Subject: RE: HD Check-in

Thanks, Tia. I think I'll wait for the next meeting—but I'd appreciate a summary today/tomorrow of whatever you learn/decide at today's discussion. Thanks!

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:49 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Sorry- hit send too fast! Also meant to say that I definitely think we'll want to get more in-depth into the items that Bill raised (in addition to the OMB piece), and maybe should do a longer 1 hour call next week or the following week to really get into those items. An action item for today's call will be to develop a list of items that we should cover in a follow-up discussion.

And I assume we'll want to do a check-in with Chris in the next couple weeks as well after having such a discussion.

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:44 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn
Sent: Tuesday, August 22, 2017 12:52 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

I will be able to join only until about 3:15.

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Tuesday, August 22, 2017 12:46 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Dear all –

I won't be able to participate in this call today. I am hoping that Angela and Kathryn can join.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Moulis, Charles
Sent: Tuesday, August 22, 2017 12:08 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: HD Check-in

Here are the questions I have so far (not all to be answered today):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Appointment-----
From: Sutton, Tia
Sent: Monday, August 21, 2017 1:15 PM
To: Sutton, Tia; Moulis, Charles; Hengst, Benjamin; Orlin, David; Kataoka, Mark
Cc: Charmley, William; Cullen, Angela
Subject: HD Check-in
When: Tuesday, August 22, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Ex. 6 - Personal Privacy

Getting all of us together to have a quick check-in on HD. Just to get our ducks in a row on next steps/timing, and Chuck & I have a couple of questions for OGC on the notices and docket. Annnnd…we need to officially welcome Mr. Orlin back to the fun!

Ex. 6 - Personal Privacy

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 12/19/2017 7:11:46 PM
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Thanks for the prompt reply. Would you like us to draft letter for Bill's sig?

From: Gunasekara, Mandy
Sent: Tuesday, December 19, 2017 2:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Ex. 5 - Deliberative Process

From: Grundler, Christopher
Sent: Tuesday, December 19, 2017 12:37 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Bill,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you would like more information regarding this topic.

Chris

To: Charmley, William[charmley.william@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov];
Ex. 6 - Personal Privacy
From: Hengst, Benjamin
Sent: Mon 8/14/2017 3:34:55 PM
Subject: FW: Revised letter to trailer petitioners

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Monday, August 14, 2017 11:05 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Re: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

Sent from my iPhone

On Aug 14, 2017, at 10:58 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Ex. 5 - Attorney Client

Sent from my iPhone

On Aug 14, 2017, at 10:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Ex. 5 - Attorney Client

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 9:04 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka,

Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Attorney Client

From: Baptist, Erik
Sent: Monday, August 14, 2017 8:58 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Ex. 5 - Attorney Client

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Friday, August 11, 2017 1:56 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Revised letter to trailer petitioners

Erik and Mandy:

Ex. 5 - Attorney Client

Thanks,

Ben

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Buchsbaum, Seth[buchsbaum.seth@epa.gov]
From: Sutton, Tia
Sent: Mon 12/4/2017 1:26:13 AM
Subject: Glider hearing logistics

Hi all,
One final logistics email before tomorrow's hearing!

When you arrive using the main Constitution Ave entrance to the EPA East Building, you'll check in with security on the left side of the lobby, then keep walking straight and you'll come to the Archway where the hearing room is. Most of us are going to plan to arrive at 1153 by 8:30am.

The hearing room, room 1153, is all set up and ready to go. Erin and I went on a pilgrimage to check it out and all looks good. The only outstanding item with the set-up is to check with the court reporter when he/she arrives to see where they want their table to be; and Erin is going to head down super early on Monday to make sure A/V is all set.

We will have 3 registration/check-in tables in the Archway outside of 1153: speaker, press, and non-speaking attendee. Christy, George, Chris M, Erin, and I will help to man these tables. And Robert Daguillard (OPA) and Kaitlyn Shimmin (OCIR) will be on hand to handle press and VIPs, respectively. And we've got all signs for the rooms and bathrooms printed, and will tape up on Monday. And we have 2 copies of the opening statement printed for Bill and Kathryn.

The holding room for VIPs (1151) is right next to the hearing room. Since only one Congressman is coming, and he's not arriving until 2pm, we could also use this as our EPA room before & after his arrival. We also have rooms 1117 A & B reserved for the day for EPA and for Press (the smaller one is for us, the larger for press). For those of you flying out on Monday evening, you are welcome to stash your luggage either in Chris Grundler's office or in the VIP room, 1151.

We should be good on building escort folks for the day (2 per hour), but can easily send out a note to try and get more help if need be. Per Security, since testifiers won't have "visitor" passes, they will need to be escorted if they leave the immediate area of the hearing room.

And if you're still actually reading this, please feel free to call/text if you need to reach me in the morning:

Ex. 6 - Personal Privacy

See you all tomorrow!
-Tia

Sent from my iPhone

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Wehrum, Bill
Sent: Tue 12/19/2017 7:04:38 PM
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Ex. 5 - Deliberative Process

From: Gunasekara, Mandy
Sent: Tuesday, December 19, 2017 2:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Ex. 5 - Deliberative Process

From: Grundler, Christopher
Sent: Tuesday, December 19, 2017 12:37 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Bill,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you would like more information regarding this topic.

Chris

To: Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Kataoka, Mark
Sent: Fri 1/19/2018 5:45:47 PM
Subject: RE: Revised draft status report on Trailers

Thanks

From: Charmley, William
Sent: January 19, 2018 12:33 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Revised draft status report on Trailers

Mark –

This looks okay to me – I don't have any recommended changes.

Thanks

Bill

From: Hengst, Benjamin
Sent: Friday, January 19, 2018 11:57 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Revised draft status report on Trailers

Nothing from me

From: Kataoka, Mark
Sent: Friday, January 19, 2018 11:37 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Revised draft status report on Trailers
Importance: Low

Ex. 5 - Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Charmley, William
Sent: January 12, 2018 1:54 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Draft status report on Trailers for your review by 1/16

Mark –

I just read this, and I don't have any comments.

Thanks

Bill

From: Kataoka, Mark
Sent: Friday, January 12, 2018 1:19 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Draft status report on Trailers for your review by 1/16

Bill/Brian/Chuck/Ben,

Ex. 5 - Attorney Client; Attorney Work Product

Thanks.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

To: Charmley, William[charmley.william@epa.gov]
From: Corey, Richard@ARB
Sent: Fri 9/15/2017 3:12:09 PM
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Thanks Bill. I will miss you all as I am traveling but plan to catch up soon.

Richard

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, September 14, 2017 9:32 AM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Haugen, David; Simon, Karl; Hebert, Annette@ARB; Kitowski, Jack@ARB; Carter, Michael@ARB; Corey, Richard@ARB; Bevan, Analisa@ARB; Fuentes, Mark@ARB; Bunker, Byron; Cliff, Steve@ARB; Fuentes, Mark@ARB; McCarthy, Mike@ARB; Marvin, Cynthia@ARB
Subject: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Dear all –

The September ARB-OTAQ monthly coordination call is scheduled for this upcoming Monday from 12-1 west coast/3-4 eastern.

This email is a request for Agenda Items

Below is an initial draft of potential Agenda items. If I could receive feedback on this by the end of the day on Friday in California, I'll send around a final version over the weekend.

I have added Steve Cliff to this email, and I forwarded to Steve the appointment scheduler (congratulations Steve on your new position).

I have also included Cynthia because there is an update on the marine ECA that I want to provide to Cynthia and Richard.

Best regards,

Bill

DRAFT Agenda Items

1. **North American Emission Control Area (ECA) Implementation** [Charmley]

2. **EPA Heavy-duty Phase 2 trailer & glider reconsideration rule** [Charmley]

3. **Report-out from CARB August 31 Heavy-duty Phase 2 Workshop** [Kitowski/Carter]

4. **EPA Light-duty Mid-term Evaluation Update** [Charmley]

5. **CARB Advanced Clean Cars 2026+ Update** [Cliff/Hebert/McCarthy]

6. **Other items**

-----Original Appointment-----
From: Grundler, Christopher
Sent: Friday, September 09, 2016 2:50 PM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Charmley, William; Haugen, David; Simon, Karl; Ayala, Alberto@ARB; Hebert, Annette@ARB; jack.kitowski@arb.ca.gov; Carter, Michael@ARB; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron
Cc: Fuentes, Mark@ARB; McCarthy, Mike@ARB
Subject: Monthly OTAQ/ARB Senior Leadership Coordination **Ex. 6 - Personal Privacy**
When: Monday, September 18, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: C174/Rm 6520

To: Charmley, William[charmley.william@epa.gov]
From: Cook, Leila
Sent: Fri 12/1/2017 8:57:06 PM
Subject: RE: Glider Testing Timeline

thanks

From: Charmley, William
Sent: Friday, December 01, 2017 3:54 PM
To: Cook, Leila <cook.leila@epa.gov>
Subject: FW: Glider Testing Timeline

From: Grundler, Christopher
Sent: Thursday, November 30, 2017 5:25 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Glider Testing Timeline

From: Grundler, Christopher
Sent: Thursday, November 30, 2017 5:08 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Glider Testing Timeline

Ex. 5 - Deliberative Process

Let me know if you have any questions

Chris

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 10/16/2017 9:12:41 PM
Subject: RE: gliders

Thanks for the update

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Orlin, David
Sent: Monday, October 16, 2017 5:01 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: gliders

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Grundler, Christopher
Sent: Wed 7/26/2017 10:22:24 PM
Subject: Fwd: Trailers/Gliders for HDV

Sent from my iPhone

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: July 26, 2017 at 6:16:10 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Fwd: Trailers/Gliders for HDV

Meant to cc you

Sent from my iPhone

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: July 26, 2017 at 6:15:44 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Re: Trailers/Gliders for HDV

Ex. 5 - Deliberative Process

On Jul 26, 2017, at 2:21 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Mandy M. Gunasekara

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

To: Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Tue 12/19/2017 6:24:15 PM
Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Thanks, Bill. We shall stay tuned.

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Tuesday, December 19, 2017 12:45 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Fwd: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Ben or I will let everyone know what Chris here's back on this.

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: December 19, 2017 at 12:37:22 PM EST
To: "Wehrum, Bill" <Wehrum.Bill@epa.gov>

Cc: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Bill,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process

Please let me know if you would like more information regarding this topic.

Chris

To: Charmley, William[charmley.william@epa.gov]
From: Cook, Leila
Sent: Fri 12/1/2017 8:52:39 PM
Subject: NNTO: please forward to me the Glider testing chronology

To: Charmley, William[charmley.william@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Moulis, Charles
Sent: Mon 10/16/2017 8:53:55 PM
Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline
Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline.docx

Attached is a revised version of the Glider Rescission NPRM. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]
From: Hengst, Benjamin
Sent: Fri 1/19/2018 4:49:45 PM
Subject: Re: Gliders briefings next week

I have a little more color on this to share from Josh and Mandy.

On Jan 19, 2018, at 11:40 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
Ex. 6 - Personal Privacy
www.epa.gov/otaq

On Jan 19, 2018, at 11:14 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:

Ex. 5 - Deliberative Process

Josh

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Moulis, Charles
Sent: Tue 8/22/2017 2:51:11 PM
Subject: RE: Revised Glider impact statement
FY18 Impact Statement - Gliders - 8.22.17 MK-CM.docx

A few edits to address Mark's comments.

From: Hengst, Benjamin
Sent: Tuesday, August 22, 2017 10:47 AM
To: Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Revised Glider impact statement

Chuck—I need to send this up fairly quickly. Do you have any comments/edits in response to what Mark wrote? Thanks

Ben

From: Kataoka, Mark
Sent: Tuesday, August 22, 2017 9:32 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Boylan, Thomas <boylan.thomas@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>
Subject: RE: Revised Glider impact statement

A few comments attached; including Chuck and Angela.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: August 22, 2017 8:56 AM
To: Sutton, Tia <sutton.tia@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Boylan, Thomas <boylan.thomas@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>
Subject: RE: Revised Glider impact statement

Hi folks—very slightly edited version attached. Please use this if you have any edits.

Tia and I will be working directly with the OAR IO, and Mandy, on this, per Steve's email

Thanks
Ben

From: Sutton, Tia
Sent: Monday, August 21, 2017 10:21 PM
To: LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Boylan, Thomas <boylan.thomas@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>
Subject: Revised Glider impact statement

Hi all,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks!

-Tia

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Sutton, Tia
Sent: Fri 12/1/2017 8:12:45 PM
Subject: RE: Edit RE: Draft Glider Hearing Opening Statement

Roger that, thanks.

Kathryn – I'll plan to have a printed copy for you for Monday.

From: Hengst, Benjamin
Sent: Friday, December 01, 2017 3:11 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: RE: Edit RE: Draft Glider Hearing Opening Statement

Chris will be in meetings for the next few hours.

Tia—I think you can just send this down to OAR Materials, and suggest that they can provide it to Bill as an FYI.

Thanks

Ben

From: Sutton, Tia
Sent: Friday, December 01, 2017 3:04 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>

Subject: RE: Edit RE: Draft Glider Hearing Opening Statement

Thanks, Chris. Do you or Ben want to forward to Mandy and/or Bill Wehrum, or do you think we're good to go on this?

From: Grundler, Christopher
Sent: Friday, December 01, 2017 3:02 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Edit RE: Draft Glider Hearing Opening Statement

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Sutton, Tia
Sent: Friday, December 01, 2017 2:21 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: FW: Draft Glider Hearing Opening Statement

Hi all,

Just checking in to make sure that this is the final version of the hearing statement and that neither Chris nor Ben had edits (or Mandy/Bill W for that matter). I will go ahead and print now just so we have things ready for the hearing, but please do let me know if this changes and we need to update it.

Thanks!

-Tia

From: Sutton, Tia
Sent: Wednesday, November 29, 2017 7:18 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Draft Glider Hearing Opening Statement

Chris and Ben,

Attached is the draft opening statement for next Monday's glider hearing. Bill Charmley will be the Presiding Officer, but the attached is drafted such that Kathryn would give the opening statement, as Bill may arrive a little after 10am.

I assume we will need to get this in Bill W & Mandy's hands after your review, so I will defer to you both on that step.

Regarding the hearing itself, Bill C can correct me if I'm wrong here, but we are at just over 60, and one Member of Congress will be testifying (Rep Jamie Raskin, D-MD).

Thanks,

Tia

Sent from my iPhone

Begin forwarded message:

From: "Parsons, Christy" <Parsons.Christy@epa.gov>
Date: November 29, 2017 at 9:18:10 AM EST
To: "Sutton, Tia" <sutton.tia@epa.gov>
Cc: "Parsons, Christy" <Parsons.Christy@epa.gov>
Subject: RE: Review Requested by COB 11/28: Draft Glider Hearing Opening Statement

To: Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Cook, Leila[cook.leila@epa.gov]
From: Hengst, Benjamin
Sent: Mon 10/16/2017 6:00:57 PM
Subject: A few items of note from Mandy

Chris, Bill:

I'm scrambling to make a meeting, but a few quick hits from a call I just had with Josh:

Not Responsive; Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Not Responsive; Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Hengst, Benjamin
Sent: Fri 1/19/2018 4:48:32 PM
Subject: Re: Draft Glider Briefing

Just spent time with josh and Mandy and this came up. Bill: you and I need to talk to Chris. Ben

On Jan 19, 2018, at 11:40 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

On my list for today. Pls wait

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Jan 19, 2018, at 11:12 AM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Chris – I assume you saw this and are already planning to review/have reviewed…but just checking in to make sure (mainly so I don't forget to send down to OAR! ☺).

From: Moulis, Charles
Sent: Thursday, January 18, 2018 3:37 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Draft Glider Briefing

Chris,

Here is the draft glider briefing for Bill Wehrum on Monday. Please let Bill Charmley know if you have any comments.

Chuck

<DRAFT Glider Reconsideration Update for Bill Wehrum.pptx>

To: Charmley, William[charmley.william@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Parsons, Christy
Sent: Mon 10/16/2017 4:20:34 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM
Rescission of Emission Requirements for Glider Vehicles - NPRM mk cp.docx

Ex. 5 - Deliberative Process; Attorney Client

Christy

From: Moulis, Charles
Sent: Monday, October 16, 2017 11:38 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM

Cay,

That's OK with me, but add a comment bubble explaining the change. Thanks.

From: Yanca, Catherine
Sent: Monday, October 16, 2017 11:27 AM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM

Hi all,

Ex. 5 - Deliberative Process; Attorney Client

Thanks!

~Cay

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William
Sent: Monday, October 16, 2017 10:38 AM
To: Moulis, Charles <moulis.charles@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Rescission of Emission Requirements for Glider Vehicles - NPRM

Chuck

Thanks for doing this.

I will take a look when I get in.

Thanks

Bill

Sent from my iPhone

On Oct 16, 2017, at 10:18 AM, Moulis, Charles <moulis.charles@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Any comments before I send this forward?

<Rescission of Emission Requirements for Glider Vehicles - NPRM.docx>

[1] 81 FR 73478 (October 25, 2016).

To: Yanca, Catherine[yanca.catherine@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Kataoka, Mark
Sent: Mon 10/16/2017 3:29:11 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM
Rescission of Emission Requirements for Glider Vehicles - NPRM mk.docx

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Yanca, Catherine
Sent: October 16, 2017 11:27 AM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM

Hi all,

Ex. 5 - Deliberative Process; Attorney Client

Thanks!

~Cay

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William
Sent: Monday, October 16, 2017 10:38 AM
To: Moulis, Charles <moulis.charles@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy

<Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Rescission of Emission Requirements for Glider Vehicles - NPRM

Chuck

Thanks for doing this.

I will take a look when I get in.

Thanks

Bill

Sent from my iPhone

On Oct 16, 2017, at 10:18 AM, Moulis, Charles <moulis.charles@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Any comments before I send this forward?

<Rescission of Emission Requirements for Glider Vehicles - NPRM.docx>

---

[1] 81 FR 73478 (October 25, 2016).

To: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Grundler, Christopher
Sent: Fri 12/1/2017 8:00:05 PM
Subject: RE: Draft Glider Hearing Opening Statement

I have a comment. Will send RLSO soon

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Sutton, Tia
Sent: Friday, December 01, 2017 2:21 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: FW: Draft Glider Hearing Opening Statement

Hi all,

Just checking in to make sure that this is the final version of the hearing statement and that neither Chris nor Ben had edits (or Mandy/Bill W for that matter). I will go ahead and print now just so we have things ready for the hearing, but please do let me know if this changes and we need to update it.

Thanks!

-Tia

From: Sutton, Tia
Sent: Wednesday, November 29, 2017 7:18 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Draft Glider Hearing Opening Statement

Chris and Ben,

Attached is the draft opening statement for next Monday's glider hearing. Bill Charmley will be the Presiding Officer, but the attached is drafted such that Kathryn would give the opening statement, as Bill may arrive a little after 10am.

I assume we will need to get this in Bill W & Mandy's hands after your review, so I will defer to you both on that step.

Regarding the hearing itself, Bill C can correct me if I'm wrong here, but we are at just over 60, and one Member of Congress will be testifying (Rep Jamie Raskin, D-MD).

Thanks,

Tia

Sent from my iPhone

Begin forwarded message:

From: "Parsons, Christy" <Parsons.Christy@epa.gov>

Date: November 29, 2017 at 9:18:10 AM EST
To: "Sutton, Tia" <sutton.tia@epa.gov>
Cc: "Parsons, Christy" <Parsons.Christy@epa.gov>
Subject: RE: Review Requested by COB 11/28: Draft Glider Hearing Opening Statement

To: Charmley, William[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Wed 7/26/2017 4:48:15 PM
Subject: FW: Reconsideration of Trailer and Glider Kits

From: Lewis, Josh
Sent: Wednesday, July 26, 2017 12:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Reconsideration of Trailer and Glider Kits

Ex. 5 - Deliberative Process

Josh

To: Charmley, William[charmley.william@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Haugen, David[haugen.david@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Grundler, Christopher
Sent: Mon 8/21/2017 5:48:54 PM
Subject: Re: Press Release from the American Trucking Associations on last weeks trailer/glider action: "ATA Concerned Reopening of GHG Phase 2 Rule Could Undermine Federal Uniformity"

Wow

Sent from my iPhone

On Aug 21, 2017, at 1:42 PM, Charmley, William <charmley.william@epa.gov> wrote:

Below is a press release from Friday from ATA that Chuck M. flagged for me.

FOR IMMEDIATE RELEASE
August 18, 2017

Contact: Sean McNally
(703) 838-1995

ATA Concerned Reopening of GHG Phase 2 Rule Could Undermine Federal Uniformity

Group Worried EPA Announcement Could Allow California to Set De Facto Standards

Arlington, Va. – Today, the American Trucking Associations officials said they were concerned that by moving to reopen the second phase of its Greenhouse Gas Emissions and

Fuel Efficiency Standards for Medium- and Heavy-Duty rule, the Environmental Protection Agency could be setting the stage for California to impose a de facto national standard, superseding federal rules.

"ATA is proud of our record on fuel efficiency and sustainability," said **ATA President and CEO Chris Spear**. "In large part due to our support for Phase 1 of the EPA's greenhouse gas rule, today's new trucks are cleaner and more efficient than ever. We had worked closely with EPA and the National Highway Traffic Safety Administration on Phase 2 to continue building on that success, but by reopening the rule to reexamine trailers and glider kits, EPA has opened the door to California taking the lead, and a more aggressive track, in setting trailer standards.

"As representatives of an interstate industry," Spear said, "ATA believes a single national standard, set by federal regulators, is preferable to at worst, a patchwork of state standards or at best, a de facto national standard that is set without the appropriate opportunity for the entire regulated community – many members of which are not based in California – to weigh in."

"As we have done over the entire course in developing the Phase 2 Rule, we will continue to work closely with both EPA and NHTSA as they reopen and consider changes to the final rule" said **Glen Kedzie, ATA vice president and energy and environmental counsel**.

For nearly a decade, ATA has supported improvements in fuel efficiency through our support of the EPA SmartWay Transport Partnership, the establishment of an ATA Sustainability Task Force and subsequent creation of the Fuel Efficiency Advisory Committee. That advisory committee laid out 15 principles for the Phase 2 rule, all of which were met.

"The trucking industry will invest in fuel efficiency technologies that are robustly tested, affordable and that show real, measurable results," Kedzie said. "We encourage regulators in Washington, D.C., and California to take concerns like feasibility, durability and other operational issues into account when evaluating these technologies."

American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of 50 affiliated state trucking associations and industry-related conferences and councils, ATA is the voice of the industry America depends on most to move our nation's freight. Follow ATA on Twitter or on Facebook. Trucking Moves America Forward

To: Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Yanca, Catherine
Sent: Mon 10/16/2017 2:36:01 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM

Hi Chuck,

Ex. 5 - Deliberative Process; Attorney Client

Thanks!

~Cay

From: Moulis, Charles
Sent: Monday, October 16, 2017 10:19 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM

Ex. 5 - Deliberative Process; Attorney Client

Any comments before I send this forward?

To: Charmley, William[charmley.william@epa.gov]
From: Simon, Karl
Sent: Fri 12/1/2017 4:56:58 PM
Subject: FW: Glider Workshop

From: John Boesel [mailto:jboesel@calstart.org]
Sent: Friday, December 01, 2017 10:45 AM
To: Simon, Karl <Simon.Karl@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: Glider Workshop

Guys,

I believe Lynn Jacquez has signed-up to present testimony for us at the workshop on Monday. I'm not sure who is overseeing that effort. It'd' be great if she could present in the morning. We are working with UPS to submit written comments.

John

John Boesel

President and CEO

CALSTART

2600 Tenth Street, Suite 407

Berkeley, CA 94710

jboesel@calstart.org

Tel: (626) 744-5607

Follow us on Twitter @calstart

To: Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Yanca, Catherine[yanca.catherine@epa.gov]; Sanchez, James[sanchez.james@epa.gov]
From: Sargeant, Kathryn
Sent: Tue 12/19/2017 5:12:01 PM
Subject: RE: Draft text for Chris Grundler email regarding request for glider comment period extension

Ex. 5 - Deliberative Process

From: Parsons, Christy
Sent: Tuesday, December 19, 2017 10:44 AM
To: Nelson, Brian <nelson.brian@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: RE: Draft text for Chris Grundler email regarding request for glider comment period extension

Thanks Brian. I made a few minor tweaks below, Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Christy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Nelson, Brian
Sent: Tuesday, December 19, 2017 10:06 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Draft text for Chris Grundler email regarding request for glider comment period extension

Bill,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Brian

To: Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Moulis, Charles
Sent: Mon 10/16/2017 2:18:33 PM
Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM
Rescission of Emission Requirements for Glider Vehicles - NPRM.docx

Ex. 5 - Deliberative Process; Attorney Client

Any comments before I send this forward?

To: Charmley, William[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Wed 7/26/2017 2:59:40 PM
Subject: FW: Reconsideration of Trailer and Glider Kits

Bill—sorry to nag, but can you and I talk about this today? I need to get back to Josh/Sarah. Have you talked to Chris?

From: Lewis, Josh
Sent: Wednesday, July 26, 2017 10:04 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Reconsideration of Trailer and Glider Kits

Ex. 5 - Deliberative Process

From: Dunham, Sarah
Sent: Wednesday, July 19, 2017 1:44 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: Fwd: Reconsideration of Trailer and Glider Kits

Hi Mandy--

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

From: Baptist, Erik
Sent: Wednesday, July 19, 2017 12:48 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Reconsideration of Trailer and Glider Kits

David,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Thanks!

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

To: Charmley, William[charmley.william@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]
From: Nelson, Brian
Sent: Tue 12/19/2017 4:34:05 PM
Subject: FW: Draft text for Chris Grundler email regarding request for glider comment period extension

Bill,

Ex. 5 - Deliberative Process

Thanks,
Brian

From: Parsons, Christy
Sent: Tuesday, December 19, 2017 10:44 AM
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Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: RE: Draft text for Chris Grundler email regarding request for glider comment period extension

Ex. 5 - Deliberative Process

Christy

Ex. 5 - Deliberative Process

From: Nelson, Brian
Sent: Tuesday, December 19, 2017 10:06 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Draft text for Chris Grundler email regarding request for glider comment period extension

Bill,

Ex. 5 - Deliberative Process

Thanks,
Brian

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Lewis, Josh[Lewis.Josh@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Wehrum, Bill
Sent: Thur 12/21/2017 12:30:30 AM
Subject: Re: Glider NPRM Comment Deadline Extension Request

I think that's the way to go. Thanks.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Dec 20, 2017, at 7:29 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

We will prepare same letter you signed today unless we hear differently

---
Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Dec 20, 2017, at 6:53 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

FYI

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

From: Paul Billings <Paul.Billings@lung.org>
Date: December 20, 2017 at 5:12:13 PM EST

To: "wehrum.bill@epa.gov" <wehrum.bill@epa.gov>
Subject: Glider NPRM Comment Deadline Extension Request

Mr. Wehrum:

Attached please find my letter requesting a 60-day extension of the January 5, 2018, comment deadline on the proposed rule "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" (Docket ID No. EPA–HQ–OAR–2014–0827) to March 5, 2018.

Thank you for your consideration of this request. I am happy to answer any questions.

Paul Billings

National Senior Vice President, Advocacy
American Lung Association

202-785-3355

<ALA Extension Letter 122017.pdf>

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Wed 12/20/2017 11:55:19 PM
Subject: Fwd: Glider NPRM Comment Deadline Extension Request
ALA Extension Letter 122017.pdf
ATT00001.htm

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Wehrum, Bill" <Wehrum.Bill@epa.gov>
Date: December 20, 2017 at 6:53:07 PM EST
To: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Fwd: Glider NPRM Comment Deadline Extension Request

FYI

_____

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

From: Paul Billings <Paul.Billings@lung.org>
Date: December 20, 2017 at 5:12:13 PM EST
To: "wehrum.bill@epa.gov" <wehrum.bill@epa.gov>
Subject: Glider NPRM Comment Deadline Extension Request

Mr. Wehrum:

Attached please find my letter requesting a 60-day extension of the January 5, 2018, comment deadline on the proposed rule "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" (Docket ID No. EPA–HQ–OAR–2014–0827) to March 5, 2018.

Thank you for your consideration of this request. I am happy to answer any questions.

Paul Billings

National Senior Vice President, Advocacy
American Lung Association

202-785-3355

To: Charmley, William[charmley.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Sutton, Tia
Sent: Wed 12/20/2017 11:25:24 PM
Subject: RE: Draft letter from AA Wehrum to NESCAUM regarding glider rule
image2017-12-20-183511.pdf
Final Response Letter Glider Repeal Comment Period_NESCAUM.DOCX

Hi all,

Ex. 5 - Deliberative Process

Thanks all!

-Tia

From: Charmley, William
Sent: Wednesday, December 20, 2017 2:17 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Draft letter from AA Wehrum to NESCAUM regarding glider rule

Chris –

Ex. 5 - Deliberative Process

I also attached the incoming.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Kataoka, Mark
Location: N158
Importance: Normal
Subject: Tentative: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy)
Start Date/Time: Tue 10/9/2018 6:05:00 PM
End Date/Time: Tue 10/9/2018 6:55:00 PM

To: Charmley, William[charmley.william@epa.gov]
From: Birgfeld, Erin
Sent: Wed 12/20/2017 9:07:56 PM
Subject: RE: Thank you for your help at the Dec. 4 glider public hearing in D.C.

Thank you Bill. Have a happy holiday!

From: Charmley, William
Sent: Wednesday, December 20, 2017 3:34 PM
To: Waltzer, Sam <Waltzer.Sam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Coe, Edmund <Coe.Edmund@epa.gov>; Froman, Sarah <Froman.Sarah@epa.gov>; Daniels, Jessica <daniels.jessica@epa.gov>; Ramig, Christopher <Ramig.Christopher@epa.gov>; Bachman, Joseph <Bachman.Joseph@epa.gov>; Kenausis, Kristin <Kenausis.Kristin@epa.gov>; Galperin, Diana <Galperin.Diana@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Lie, Sharyn <Lie.Sharyn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Snapp, Lisa <snapp.lisa@epa.gov>; Johnson, Dennis <Johnson.Dennis@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Thank you for your help at the Dec. 4 glider public hearing in D.C.

Dear Sam, Chris R., Ed, David, Sarah, Jessica, Joe, Kristin, Julia, Diana, Erin and Chris M.,

I wanted to thank all of you for volunteering a few weeks ago to help ASD on the day of the heavy-duty glider proposal public hearing. Having all of you help with the initial rush of stakeholders for the first few hours of the hearing was immensely helpful – we couldn't have done this without all of you.

During the day we had more than 60 people come to the hearing to provide EPA with input on this action. A hearing is an important opportunity for members of the public and the full range of stakeholders we engage with to interact with EPA, and I really appreciate each of you taking the time out of your day to be the face of the Agency.

I also apologize for being so late in thanking all of you. I was out of the office last week, and the time has just flown by since December 4.

I hope all of you are able to have a peaceful holiday break.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Charmley, William[charmley.william@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Moltzen, Michael[Moltzen.Michael@epa.gov]; Patulski, Meg[patulski.meg@epa.gov]
From: Dickinson, David
Sent: Wed 12/20/2017 8:54:22 PM
Subject: RE: Thank you for your help at the Dec. 4 glider public hearing in D.C.

Thanks for the nice note, and happy holidays to you as well.

FYI…

Having trouble viewing this email? View it as a Web page.

Notice of Public Hearing

To Consider Proposed California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines And Vehicles and Proposed Amendments to the Tractor-Trailer GHG Regulation

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption of the proposed California greenhouse gas (GHG) standards for medium- and heavy-duty engines and vehicles (Phase 2) and the proposed amendments to CARB's existing Tractor-Trailer GHG Regulation.

DATE: February 8, 2018
TIME: 9:00 a.m.
LOCATION: California Environmental Protection Agency
Air Resources Board | Byron Sher Auditorium
1001 I Street Sacramento, California 95814

This item may be considered at a meeting of the Board, which will commence at 9:00 a.m., February 8, 2018, and may continue at 8:30 a.m., on February 9,

2018. Please consult the agenda for the hearing, which will be available at least ten days before February 8, 2018, to determine the day on which this item will be considered.

Written Comment Period & Submittal of Comments

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on December 22, 2017. Written comments not physically submitted at the hearing must be submitted on or after December 22, 2017, and received no later than 5:00 p.m. on February 5, 2018. CARB requests that, when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to the following:

Clerk of the Board, California Air Resources Board
1001 I Street, Sacramento California 95814

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Alex Santos, Staff Air Pollution Specialist, On-Road Heavy Duty Diesel Section, at (626) 575-6682 or (designated back-up contact) Mitzi Magtoto, Air Resources Engineer, Strategic Planning and Development Section, at (916) 323-8975.

The notice, ISOR, and all subsequent regulatory documents, including the FSOR when completed, are available on CARB's website.

CLEARING CALIFORNIA SKIES FOR 50 YEARS

CARB is the lead agency for California's fight against climate change, and oversees all air pollution control efforts in the state to attain and maintain health-based air quality standards. Learn more at www.arb.ca.gov.

From: Charmley, William
Sent: Wednesday, December 20, 2017 3:34 PM
To: Waltzer, Sam <Waltzer.Sam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Coe, Edmund <Coe.Edmund@epa.gov>; Froman, Sarah <Froman.Sarah@epa.gov>; Daniels, Jessica <daniels.jessica@epa.gov>; Ramig, Christopher <Ramig.Christopher@epa.gov>; Bachman, Joseph <Bachman.Joseph@epa.gov>; Kenausis, Kristin <Kenausis.Kristin@epa.gov>; Galperin, Diana <Galperin.Diana@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Lie, Sharyn <Lie.Sharyn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Snapp, Lisa <snapp.lisa@epa.gov>; Johnson, Dennis <Johnson.Dennis@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Thank you for your help at the Dec. 4 glider public hearing in D.C.

Dear Sam, Chris R., Ed, David, Sarah, Jessica, Joe, Kristin, Julia, Diana, Erin and Chris M.,

I wanted to thank all of you for volunteering a few weeks ago to help ASD on the day of the heavy-duty glider proposal public hearing. Having all of you help with the initial rush of stakeholders for the first few hours of the hearing was immensely helpful – we couldn't have done this without all of you.

During the day we had more than 60 people come to the hearing to provide EPA with input on this action. A hearing is an important opportunity for members of the public and the full range of stakeholders we engage with to interact with EPA, and I really appreciate each of you taking the time out of your day to be the face of the Agency.

I also apologize for being so late in thanking all of you. I was out of the office last week, and the time has just flown by since December 4.

I hope all of you are able to have a peaceful holiday break.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Sutton, Tia
Sent: Fri 9/1/2017 5:10:37 PM
Subject: RE: Gliders SAC capability statement

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David
Sent: Friday, September 01, 2017 12:35 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Gliders SAC capability statement

Ex. 5 - Deliberative Process; Attorney Client

To: Charmley, William[charmley.william@epa.gov]
Cc: Moran, Robin[moran.robin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Sutton, Tia
Sent: Fri 9/1/2017 12:09:34 PM
Subject: Re: For your review: Q&As on MTE and HD for OCIR AA binder

Hi Bill,
Sounds good, no worries at all.

Thanks,
Tia

Sent from my iPhone

On Sep 1, 2017, at 7:39 AM, Charmley, William <charmley.william@epa.gov> wrote:

Tia

Ex. 5 - Deliberative Process

Thanks
Bill

Sent from my iPhone

On Aug 31, 2017, at 1:02 PM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Hi Bill,

Sending the attached Q&As for your review (see my note below for more info/background on these):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Tia

Ex. 5 - Deliberative Process

Please take a look at the attached draft, and send any edits you may have by **noon on Friday, 9/1**.

If you have any questions on any of this or need more background, please let us know. And please of course loop in others as you see fit.

Thanks,

Tia

Not Responsive

<HD Glider Kit Draft QA - 083017.docx>

To: Charmley, William[charmley.william@epa.gov]
From: Parsons, Christy
Sent: Mon 12/18/2017 5:37:29 PM
Subject: RE: Monday's Glider hearing - a few of the key testimonies
Muncrief_ICCT_Muncrief_Glider Testimony_Dec 4 2017_final.pdf
Murphy_Erin-EDF-120417.pdf
Roberts_Martha-EDF-120417.pdf
Bullock_John-Environmental_Defense_Fund-120417.pdf
Tonachel_Luke-NRDC-120417.pdf
Cooke_DR_Dave-Union_Concern_Scientists-120417.pdf
Hamilton_Jonna-Union_Concerned_Scientists-120417.pdf

Hi Bill,

Attached are copies of the testimony we received from the organizations that you requested below.

If any additional information would be useful, then please let me know.

Christy

From: Charmley, William
Sent: Monday, December 18, 2017 10:16 AM
To: Parsons, Christy <Parsons.Christy@epa.gov>
Subject: FW: Monday's Glider hearing - a few of the key testimonies

Christy,

Do we also have copies of the testimony from the hearings from:

•□□□□□□□□ ICCT

•□□□□□□□□ EDF

•□□□□□□□□ NRDC

•□□□□□□□□ UCS

Thanks

Bill

From: Charmley, William
Sent: Thursday, December 07, 2017 8:54 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Monday's Glider hearing - a few of the key testimonies

Chris,

Attached are testimony from a few of the stakeholders from Monday. Please let us know if you would like an overall briefing on the messages we heard and what the entire spectrum of commenters had to say.

Attached is the testimony from:

•□□□□□□□□ EMA

•□□□□□□□□ CARB

•□□□□□□□□ Volvo

- □□□□□□□□ NACAA
- □□□□□□□□ ATA

Thanks

Bill

To: Spears, Matthew[spears.matthew@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Bunker, Byron
Sent: Wed 7/19/2017 12:14:02 AM
Subject: FW: RPM Act
20170718 For Upper Mgmt re RPM Act.pptx

****

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

****

From: Tozzi, Lauren
Sent: Tuesday, July 18, 2017 6:36 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>
Subject: RE: RPM Act

Please find an updated version of the slides attached.

Lauren Tozzi, Attorney-Advisor

Air Enforcement Division, EPA

(202) 564-4904

From: Brooks, Phillip
Sent: Tuesday, July 18, 2017 5:31 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Tozzi, Lauren <Tozzi.Lauren@epa.gov>
Subject: RPM Act

All

Not Responsive; Ex. 5 - Attorney Client; Deliberative Process

By the way, Lauren deserves the credit for putting this together.

P.S.

Tia, is there an actual petition regarding Gliders currently before the Agency?

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 12/18/2017 3:12:10 PM
Subject: Re: Glider Hearing Testimony

Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
Ex. 6 - Personal Privacy
www.epa.gov/otaq

On Dec 18, 2017, at 10:06 AM, Charmley, William <charmley.william@epa.gov> wrote:

Chris –

If we complete this by Friday of this week, or by next week on Monday, will that work? If you need it sooner please say so.

I need to check with Christy regarding the status of the transcripts from the court recorder as well.

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, December 18, 2017 9:42 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Stewart, Gwen <Stewart.Gwen@epa.gov>
Subject: Glider Hearing Testimony

Ex. 5 - Deliberative Process

Gwen—pls print and create folder or binder for me with label

Thanks

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

Ex. 6 - Personal Privacy

www.epa.gov/otaq

To: Charmley, William[charmley.william@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Moulis, Charles
Sent: Wed 5/31/2017 7:50:59 PM
Subject: DRAFT Glider Kit Background and Update - June 2017 (002).docx
DRAFT Glider Kit Background and Update - June 2017 (002).docx

Bill,

Attached is the latest one-page on gliders. I have not sent it to OTAQ materials, but I am cc-ing Tia on this message so she has it.

To: Charmley, William[charmley.william@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]
From: Moulis, Charles
Sent: Tue 5/30/2017 9:34:34 PM
Subject: DRAFT Glider Kit Background and Update - June 2017 (002).docx
DRAFT Glider Kit Background and Update - June 2017 (002).docx

Bill,

Here is a draft one-pager on gliders that Matt and I put together.

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Bunker, Byron[bunker.byron@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Sargeant, Kathryn
Sent: Fri 12/15/2017 9:08:27 PM
Subject: RE: Review requested of supplemental mission measures information by Friday, Dec. 15

Ex. 5 - Deliberative Process

From: Grundler, Christopher
Sent: Friday, December 15, 2017 3:50 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Re: Review requested of supplemental mission measures information by Friday, Dec. 15

Ex. 5 - Deliberative Process

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Dec 15, 2017, at 3:43 PM, Sargeant, Kathryn <sargeant.kathryn@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Grundler, Christopher
Sent: Friday, December 15, 2017 3:26 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: FW: Review requested of supplemental mission measures information by Friday, Dec. 15

Ex. 5 - Deliberative Process

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Bunker, Byron
Sent: Friday, December 15, 2017 12:08 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Review requested of supplemental mission measures information by Friday,

Dec. 15

Hi Betsy,

Ex. 5 - Deliberative Process

Just below that are some suggested specific edits on the slides you shared. As Chris mentioned, I will be joining Tuesday's meeting via video for OTAQ.

Thanks,

Byron

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

****

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

****

From: Grundler, Christopher
Sent: Wednesday, December 13, 2017 7:28 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: Re: Review requested of supplemental mission measures information by Friday, Dec. 15

Betsy--

Ex. 5 - Deliberative Process

Will this work for you?

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Dec 13, 2017, at 6:51 PM, Shaw, Betsy <Shaw.Betsy@epa.gov> wrote:

Hi Ben and Reid,

I'm hoping you will be able to represent OTAQ and OAP, respectively, in the discussion of the non-attainment measure during next week's monthly business review of our mission measures between 2:30 – 3:30 p.m. on Tuesday, Dec. 19th since Chris and Sarah will both be out of pocket. Please confirm that with me when you get a chance.

Ex. 5 - Deliberative Process

Thanks,

Betsy

<Draft Air Quality Story and Non-Attainment Strategic Measure 12 13 17.pptx>

To: Charmley, William[charmley.william@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Simon, Joseph
Sent: Mon 5/22/2017 10:51:46 AM
Subject: RE: Penske control status
AX-17-000-7789 Final Resp Ltr.pdf

Hello Bill,

This control was completed and sent out on 4-25-17.
Some of our response letters, like this one, is only an acknowledgement of receiving their letter.
Please see attached response.

Joe Simon
Senior Service America, Inc.
Supporting the USEPA through a Cooperative Agreement
under the Senior Environmental (SEE) Program
Assessment and Standards Division
Direct line 734-214-4835
Email: Simon.Joseph@epa.gov

-----Original Message-----
From: Charmley, William
Sent: Thursday, May 18, 2017 5:52 PM
To: Spears, Matthew <spears.matthew@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Simon, Joseph <Simon.Joseph@epa.gov>
Subject: Penske control status

Matt, Chuck and Joe

On Monday can you let me know the status of the EPA response to the control letter we received from Penske on glider kits?

Thanks

Bill

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Fri 12/15/2017 8:21:48 PM
Subject: Gliders: Request to Extend Comment Period

Bill—pls add this item to the agenda for HD Nox meeting.

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Yanca, Catherine[yanca.catherine@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Moltzen, Michael[Moltzen.Michael@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]
From: Patulski, Meg
Sent: Thur 12/14/2017 8:11:04 PM
Subject: RE: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure

Kathryn,

Mike asked me to send over these comments from TCD. We were not able to close the loop with everyone in TCD, so it's possible he may contact you off-line with any last changes.

Ex. 5 - Deliberative Process

Meg

****

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Yanca, Catherine
Sent: Thursday, December 14, 2017 2:47 PM
To: Nelson, Brian <nelson.brian@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Zawacki, Margaret <zawacki.margaret@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: RE: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure

Ex. 5 - Deliberative Process

Thanks!
~Cay

From: Nelson, Brian
Sent: Thursday, December 14, 2017 12:19 PM
To: Hoyer, Marion <hoyer.marion@epa.gov>; Zawacki, Margaret <zawacki.margaret@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: RE: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure

Kathryn,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hoyer, Marion
Sent: Thursday, December 14, 2017 11:11 AM
To: Zawacki, Margaret <zawacki.margaret@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: RE: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure

Ex. 5 - Deliberative Process

From: Zawacki, Margaret
Sent: Thursday, December 14, 2017 10:55 AM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: RE: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn
Sent: Thursday, December 14, 2017 10:15 AM
To: Moltzen, Michael <Moltzen.Michael@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Zawacki, Margaret <zawacki.margaret@epa.gov>

Cc: Charmley, William <charmley.william@epa.gov>
Subject: fOR REVIEW ASAP: Urgent: our AQ story and OAR's nonattainment strategic measure
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Grundler, Christopher
Sent: Wednesday, December 13, 2017 8:48 PM
To: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Haugen, David <haugen.david@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Urgent: Due to OAR Friday

Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Shaw, Betsy" <Shaw.Betsy@epa.gov>
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>
Cc: "Koerber, Mike" <Koerber.Mike@epa.gov>, "Whitlow, Jeff" <Whitlow.Jeff@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Jordan, Deborah" <Jordan.Deborah@epa.gov>, "Lakin, Matt" <Lakin.Matthew@epa.gov>, "Perez, Idalia" <Perez.Idalia@epa.gov>, "Walters, Margaret" <Walters.Margaret@epa.gov>, "Wolfe, Michael" <Wolfe.Michael@epa.gov>, "Vincent, Marc" <Vincent.Marc@epa.gov>
Subject: Review requested of supplemental mission measures information by Friday, Dec. 15

Hi Ben and Reid,

Ex. 5 - Deliberative Process

Thanks,

Betsy

To: Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Bynum, Cheryl[bynum.cheryl@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Simon, Joseph[Simon.Joseph@epa.gov]
From: Spears, Matthew
Sent: Mon 4/24/2017 3:30:44 PM
Subject: FW: New Control AX-17-000-7789 from Roger Penske to repeal Phase 2 glider requirements
AX-17-000-7789 Correspondence.pdf
AX-17-000-7789 Control Slip.pdf
AX-17-000-7789 DRAFT to R Penske to Repeal Phase 2 Gliders.docx

Hi all,

Ex. 5 - Deliberative Process

I would appreciate any feedback you may have, thanks.

Regards,

Matthew Spears

Center Director, Heavy-Duty Diesel Standards U.S. Environmental Protection Agency

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Simon, Joseph
Sent: Monday, April 24, 2017 10:50 AM
To: Spears, Matthew <spears.matthew@epa.gov>
Subject: New Control AX-17-000-7789

Hello Matt,

New Control AX-17-000-7789

Please see attached. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Any questions, please let me know.

Thanks

4/24/17 17057	AX-17-000-7789	**HD GHG** - Appreciation of consideration to repeal the Greenhouse Gas Phase 2 regulations relative to the sale and assembly of Glider Kits	Roger S. Penske, PENSKE Automotive	HDONC	Matt Spears Joe Simon	4/28-5/1

Joe Simon

Senior Service America, Inc.

Supporting the USEPA through a Cooperative Agreement

under the Senior Environmental (SEE) Program

Assessment and Standards Division

Direct line 734-214-4835

Email: Simon.Joseph@epa.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Simon, Karl
Sent: Wed 12/13/2017 11:46:37 PM
Subject: Re: EPA takes steps toward tighter heavy-duty truck standards

Bill has actually been very erudite in the past. We just couldn't hear him...

On Dec 13, 2017, at 6:42 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

I am pleased that Bill will be elevating the dialogue at the SLT

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Dec 13, 2017, at 6:29 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

I knew there was a humanities student buried in there somewhere, Bill.

On Dec 13, 2017, at 6:11 PM, Charmley, William <charmley.william@epa.gov> wrote:

I like the quotes, plus Karl's in line with Cummins quotes.
I'm getting confused, are we suppose to be in line with industry or not? I have much to learn. I'm sure it will all be made clear at that EPA 2018 National Executive Leadership Development Conference.

I'm going to stay positive, and it's only Wednesday of my week long class.

"Look closely. The beautiful may be small." - Immanuel Kant

That ones for Ben.

Bill

On Dec 13, 2017, at 5:57 PM, Simon, Karl <Simon.Karl@epa.gov> wrote:

I read from talking points that ben and bill gave me so won't be alone!

On Dec 13, 2017, at 5:52 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Enjoy your new job in OARM. I think the grants management division director is vacant

---
Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Dec 13, 2017, at 5:48 PM, Simon, Karl <Simon.Karl@epa.gov> wrote:

Note that they didn't report out that I asked folks to ask bill W the question when he was speaking later in the day

On Dec 13, 2017, at 4:27 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

https://www.eenews.net/eenewspm/2017/12/13/stories/1060068939

AIR POLLUTION

EPA takes steps toward tighter heavy-duty truck standards

Sean Reilly, E&E News reporter

Published: Wednesday, December 13, 2017

Almost a year into the Trump administration, U.S. EPA is continuing preliminary spadework that could lead to more stringent emissions standards for heavy-duty trucks, a top manager in the agency's Office of Transportation and Air Quality said yesterday.

In the 17 years since EPA last revised the standards for nitrogen oxides (NOx), "technology has dramatically increased," Karl Simon told members of the Clean Air Act Advisory Committee. "There are opportunities, we believe, for cost-effective and common-sense control strategies."

While a final decision on whether to pursue tighter limits will rest with EPA chief Scott Pruitt, "we've begun the technical work," Simon said, adding that states, industry and other interested groups have voiced support. Simon heads OTAQ's transportation and climate division.

Under an EPA timetable laid out last December, however, it will be about another year before the agency pursues a proposed rule that would tentatively take effect for model year 2024 trucks (*E&E News PM*, Dec. 20, 2016). One committee member, Brian Mormino of the Indiana-based engine maker Cummins Inc., urged the agency to keep going, albeit in a "collaborative" fashion.

While Cummins and other engine makers have cut NOx emissions by more than 98 percent, "the issue is that we can and we should do more, and we're willing to do more," said Mormino, the company's executive director for worldwide environmental strategy and compliance.

Whether Pruitt will ultimately opt to do more remains to be seen. With a draft rule published last month, for example, Pruitt is seeking to exempt refurbished "glider" trucks that use older engines from EPA's "Phase 2" greenhouse gas and fuel efficiency standards put in place last year. Cummins, along with other segments of the trucking industry, opposes that proposal, and Mormino voiced hope that the Phase 2 regulations will be left intact.

EPA's decision to study tighter NOx standards for 18-wheelers and other heavy-duty trucks came in response to a petition by the Los Angeles-area South Coast Air Quality Management District and other regulatory agencies that say the step is essential to helping them meet the national 70-parts-per-billion ground-level ozone standard set in 2015.

NOx is a key ingredient in the formation of ozone, often known as smog. While the petition called on EPA to slash NOx standards to one-tenth their current level, the agency did not commit to a specific threshold.

The Clean Air Act Advisory Committee, which includes

representatives of environmental groups, business organizations, and state and local air agencies, advises EPA on implementation of the 1990 Clean Air Act amendments.

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]
From: Sutton, Tia
Sent: Tue 7/18/2017 7:16:32 PM
Subject: RE: Petition on Gliders

I have not been able to find anything additional, nor has OGC or Josh/Carissa in OAR IO.

From: Grundler, Christopher
Sent: Tuesday, July 18, 2017 2:43 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: Petition on Gliders

Any more info on this petition that Sarah was told arrived last week?

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Hebert, Annette@ARB[annette.hebert@arb.ca.gov]; Charmley, William[charmley.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Haugen, David[haugen.david@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kitowski, Jack@ARB[jack.kitowski@arb.ca.gov]; Corey, Richard@ARB[richard.corey@arb.ca.gov]; Bevan, Analisa@ARB[analisa.bevan@arb.ca.gov]; Fuentes, Mark@ARB[mfuentes@arb.ca.gov]; Bunker, Byron[bunker.byron@epa.gov]; Cliff, Steve@ARB[Steve.Cliff@arb.ca.gov]; Fuentes, Mark@ARB[mfuentes@arb.ca.gov]; mike mccarthy[michael.mccarthy@arb.ca.gov]; Marvin, Cynthia@ARB[cynthia.marvin@arb.ca.gov]
From: Carter, Michael@ARB
Sent: Thur 9/14/2017 6:35:55 PM
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Ditto from me, unless Jack and Steve have anything else.

Michael W. Carter, Assistant Chief

Mobile Source Control Division

Air Resources Board

From: Hebert, Annette@ARB
Sent: Thursday, September 14, 2017 10:54 AM
To: Charmley, William <charmley.william@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kitowski, Jack@ARB <jack.kitowski@arb.ca.gov>; Carter, Michael@ARB <michael.carter@arb.ca.gov>; Corey, Richard@ARB <richard.corey@arb.ca.gov>; Bevan, Analisa@ARB <analisa.bevan@arb.ca.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cliff, Steve@ARB <Steve.Cliff@arb.ca.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; McCarthy, Mike@ARB <michael.mccarthy@arb.ca.gov>; Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>
Subject: RE: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Sounds good.

Annette Hébert, Chief

Emissions Compliance, Automotive Regulations and Science (ECARS) Division

California Air Resources Board

(626)450-6150

ahebert@arb.ca.gov

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, September 14, 2017 9:32 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hebert, Annette@ARB <annette.hebert@arb.ca.gov>; Kitowski, Jack@ARB <jack.kitowski@arb.ca.gov>; Carter, Michael@ARB <michael.carter@arb.ca.gov>; Corey, Richard@ARB <richard.corey@arb.ca.gov>; Bevan, Analisa@ARB <analisa.bevan@arb.ca.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cliff, Steve@ARB <Steve.Cliff@arb.ca.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; McCarthy, Mike@ARB <michael.mccarthy@arb.ca.gov>; Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>
Subject: Request for Agenda items for the September OTAQ/ARB Senior Leadership Coordination Call - scheduled for Monday, September 18 from 12-1pm Pacific

Dear all –

The September ARB-OTAQ monthly coordination call is scheduled for this upcoming Monday from 12-1 west coast/3-4 eastern.

This email is a request for Agenda Items

Ex. 5 - Deliberative Process

Best regards,

Bill

DRAFT Agenda Items

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Appointment-----
From: Grundler, Christopher
Sent: Friday, September 09, 2016 2:50 PM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Charmley, William; Haugen, David; Simon, Karl; Ayala, Alberto@ARB; Hebert, Annette@ARB; jack.kitowski@arb.ca.gov; Carter, Michael@ARB; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron
Cc: Fuentes, Mark@ARB; McCarthy, Mike@ARB
Subject: Monthly OTAQ/ARB Senior Leadership Coordination Ex. 6 - Personal Privacy
When: Monday, September 18, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: C174/Rm 6520

To: Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Brian C Mormino
Sent: Wed 9/13/2017 10:27:21 AM
Subject: FW: Letter to Administrator Pruitt - glider provisions in Heavy Duty Truck and Engine Greenhouse Gas Phase 2 rule
EPA Glider Letter 2017.pdf

From: Miller Jonathan <jonathan.miller@volvo.com>
Date: September 12, 2017 at 5:45:47 PM EDT
To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "dravis.samantha@epa.gov" <dravis.samantha@epa.gov>, "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>, "baptist.erik@epa.gov" <baptist.erik@epa.gov>
Cc: Traci Kraus <traci.kraus@cummins.com>, "Gelb, Jacqueline (Jacqueline.Gelb@Navistar.com)" <Jacqueline.Gelb@Navistar.com>
Subject: Letter to Administrator Pruitt - glider provisions in Heavy Duty Truck and Engine Greenhouse Gas Phase 2 rule

On behalf of Cummins, Navistar and Volvo Group, please see the attached letter from our three companies to Administrator Pruitt regarding the glider provisions in the Heavy Duty Truck and Engine Greenhouse Gas Phase 2 rule. We look forward to discussing Phase 2 with you.

Jonathan Miller

Vice President

Government Relations and Public Affairs

Volvo Group North America

2900 K Street, NW

South Building, Suite 401

Washington, DC 20007

Tel: 202 536-1555

Mobile: 202 812-8515

e-mail: jonathan.miller@volvo.com

www.volvo.com

To: Charmley, William[charmley.william@epa.gov]
From: Moulis, Charles
Sent: Thur 8/31/2017 2:32:47 PM
Subject: Update on Phase 2 Reconsideration - DRAFT V1.pptx
Update on Phase 2 Reconsideration - DRAFT V1.pptx

Here is the draft briefing.

To: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Cyran, Carissa[Cyran.Carissa@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]; Scoville, Pat[Scoville.Pat@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Lewis, Josh
Sent: Wed 8/30/2017 8:33:48 PM
Subject: RE: 608, gliders, and trailers in the Reg Agenda?

Ex. 5 - Deliberative Process

Josh

From: Sutton, Tia
Sent: Wednesday, August 30, 2017 2:28 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: 608, gliders, and trailers in the Reg Agenda?

(minus Jackie & Deirdre; plus Bill)

Hi Josh,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Tia

From: Lewis, Josh
Sent: Wednesday, August 30, 2017 10:45 AM
To: Krieger, Jackie <Krieger.Jackie@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>
Cc: Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: FW: 608, gliders, and trailers in the Reg Agenda?

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]
From: Moulis, Charles
Sent: Wed 8/30/2017 7:58:30 PM
Subject: RE: Analyses Need for Not Responsive Glider Rule
Staff Planning Document - Potential Analysis Needed for Not Responsive glid... (002).docx

Here is an updated version.

From: Charmley, William
Sent: Tuesday, August 29, 2017 3:04 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: Analyses Need for Not Responsive Glider Rule

Chuck -

Thank's for starting this. I copied this into the attached word document and then I added some additional fields in redline/strikeout, and a few comments.

Please take a look at this version and let me know what you think.

Thanks

Bill

From: Moulis, Charles
Sent: Tuesday, August 29, 2017 11:27 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>

Subject: Analyses Need for Not Responsive Glider Rule

Ex. 5 - Deliberative Process

To: Spears, Matthew[spears.matthew@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Sutton, Tia
Sent: Tue 7/11/2017 8:28:22 PM
Subject: RE: Glider vehicle compliance with emission standards

Ex. 5 - Deliberative Process

From: Sutton, Tia
Sent: Tuesday, July 11, 2017 4:12 PM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: Glider vehicle compliance with emission standards

Hi all,

Ex. 5 - Deliberative Process

Thanks,

Tia

From: Spears, Matthew
Sent: Monday, June 26, 2017 5:36 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: Glider vehicle compliance with emission standards

Hi Tia,

Ex. 5 - Deliberative Process

Regards,

Matthew Spears

Center Director, Heavy-Duty Diesel Standards U.S. Environmental Protection Agency

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Sutton, Tia
Sent: Monday, June 26, 2017 4:27 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: FW: Glider vehicle compliance with emission standards

Chuck & I discussed this a bit earlier, but we received another request glider below. Take a look and let us know how you'd like to proceed on this one…

From: Davis, Matthew
Sent: Monday, June 26, 2017 8:21 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Cc: Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: FW: Glider vehicle compliance with emission standards

Hey guys,

Happy Monday morning! Glider kits question/inquiry from Rep. Tom Reed (R-NY-23). (I might note that I saw there was interest in this following up from the House Appropriations Committee hearing briefing session with Jason Gray.) The staffer said the business in their district had a specific question on the "grandfathering in" of companies doing glider kits – basically they didn't fit the existing definition to be grandfathered in (if that is in fact a thing), and wanted to know if we were considering expanding it or otherwise helping out these companies.

I'll leave it up to you as to whether it makes the most sense to get on the phone with the staffer or come up with a short response through email. Depending upon how straightforward or tortured the response is (and when our son is born), it may be Pat or Karen (cc'ed) who end up getting back to the staffer.

Thanks,

Matthew

Here is the email excerpt from staffer, Logan:

We have a constituent, Mix Brothers, who perform engine and transmission rebuilds, as well as complete glider for large trucks. They are not exempt under 40 CFR (1037(t)(1) because they are not considered a "small manufacturer" under the regulation. I believe, as well, that they did not report or didn't have sales in between 2010-2014 in order to be grandfathered in.

I understand that is some movement to either halt or repeal some of these requirements. Do you

mind giving me an update as to where you all are?

To: Charmley, William[charmley.william@epa.gov]
From: William Charmley
Sent: Tue 12/20/2016 7:06:30 PM
Subject: Glider kits

http://www.overdriveonline.com/gliders-losing-altitude-emissions-regs-crack-down-on-pre-2010-engines-crimping-a-hot-market/#

To: Charmley, William[charmley.william@epa.gov]
From: William Charmley
Sent: Tue 12/20/2016 7:05:10 PM

http://www.overdriveonline.com/gliders-losing-altitude-emissions-regs-crack-down-on-pre-2010-engines-crimping-a-hot-market/#

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2565 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498

APR 25 2017

OFFICE OF
AIR AND RADIATION

Roger S. Penske, Chairman
2555 Telegraph Road
Bloomfield Hills, Michigan 48302-0954

Dear Mr. Penske:

Thank you for your letter of April 19, 2017, to U.S. Environmental Protection Agency Administrator Scott Pruitt, requesting the EPA to reconsider and repeal the glider and glider kit requirements of the Heavy-duty Phase 2 Greenhouse Gas and Fuel Efficiency Final Rule, based on the impact on your business. The Administrator has asked me to respond to you on his behalf.

We take these matters seriously. I assure you that we will consider your request and adhere to the rule of law in our consideration.

Again, thank you for your letter. If you have further questions, please contact Matthew Spears, who is the Center Director for Heavy-Duty Diesel Standards within our Office of Transportation and Air Quality, at spears.matthew@epa.gov or at 734-214-4921.

Sincerely,

William J. Charmley, Director
Assessments and Standards Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 20, 2017

OFFICE OF
AIR AND RADIATION

Mr. Paul J. Miller
Deputy Director
Northeast States for Coordinated Air Use Management
89 South Street, Suite 602
Boston, MA 02111

Dear Mr. Miller:

Thank you for your letter dated December 14, 2017, regarding the Environmental Protection Agency's Proposed Rule "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." In your letter, you request that the EPA extend the comment period for this proposed rule by an additional 30 days.

The EPA has considered your request. The EPA continues to believe that the 50-day comment period is appropriate and therefore is denying the request for an extension of the comment period. This proposal is specific to requirements that begin on January 1, 2018, and extending the comment period would hinder the Agency's ability to make a decision in a timely manner.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

William L. Wehrum
Assistant Administrator

Testimony of John Bullock, Environmental Defense Fund, at EPA's Hearing on Its Proposal to Repeal Emission Requirements for Glider Vehicles

December 4, 2017

My name is John Bullock and I am a Legal Fellow with Environmental Defense Fund. I am here today to testify in opposition of EPA's proposal to repeal emission requirements for glider vehicles. This action taken by Administrator Scott Pruitt is one of many in a pattern of undermining EPA's mission to protect human health and the environment, while hiding behind disingenuous claims of promoting "rule of law" values.

- As EPA acknowledges, emissions from freight trucks have devastating impacts on public health.[1]
- Diesel freight truck engines emit diesel particulate matter, smog-forming oxides of nitrogen (NOx), numerous air toxics, and other harmful pollutants. This pollution contributes to a host of respiratory problems and premature death.[2]
- EPA has taken several steps to address freight truck pollution in recent years. But despite the overwhelming science about the damage caused by pollution from heavy-duty freight trucks, Administrator Pruitt now proposes to take us backwards and reopen a giant loophole that would allow for the sale of glider trucks without any modern pollution controls.
- EPA correctly states in their press release for this rollback that gliders make up less than 5% of the heavy-duty truck market, which sounds small in isolation. But they fail to acknowledge that, if this rollback is adopted, glider trucks are so high polluting that EPA estimates they would cause over a third of dangerous NOx and particulate matter pollution from the heavy-duty freight truck fleet by 2025.[3]
- This rollback would have serious consequences for public health; repealing these protections would also cause as many as 6,400 premature deaths—just from glider trucks sold through 2021.[4]
- Administrator Pruitt justifies this proposal by claiming that the prior administration was "bending the rule of law" and "expanding federal reach" by regulating these polluting trucks.[5] But a closer examination of the protections put in place by the prior administration shows these safeguards actually *promote* rule of law values such as regulatory certainty and fairness among regulated entities.
    - To put things in perspective, it's important to note that current levels of glider truck sales are a relatively recent development. After EPA improved pollution controls for freight trucks, production of glider trucks increased from a few hundred per year to more than 10,000 in 2015.[6]

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[1] EPA, SMOG SOOT AND OTHER AIR POLLUTION FROM TRANSPORTATION SECTOR (Jan. 10, 2017), https://www.epa.gov/air-pollution-transportation/smog-soot-and-local-air-pollution

[2] Environmental Defense Fund, EPA Administrator Scott Pruitt Moves to Reopen Massive Loophole for Worst Polluting Trucks, (Nov. 8, 2017), https://www.edf.org/sites/default/files/content/trucking_industry_leaders_on_gliders_2.pdf

[3] 81 Fed. Reg. 73,478, 73,943 (Oct. 25, 2016), https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf.

[4] v EPA and National Highway Traffic Safety Administration Response to Comments at 1965, https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF.

[5] EPA, Press Release, *Administrator Pruitt Advances Effort to Keep EPA within Regulatory Lane with Proposed Repeal of Glider Provisions from Heavy-Duty Truck Rule*, (Nov. 9, 2017). https://www.epa.gov/newsreleases/administrator-pruitt-advances-effort-keep-epa-within-regulatory-lane-proposed-repeal.

[6] Memorandum from Charles Moulis, to William Charmley, Re: Summary of Glider Production Data, (Nov. 15, 2017), https://www.eenews.net/assets/2017/11/21/document_gw_05.pdf.

- As responsible freight truck manufacturers—ones that have invested in and install modern pollution controls—have pointed out,[7] the reason for this large increase in glider kit manufacturing is to *evade* EPA pollution controls.
- When EPA moved to address harmful, disproportionate pollution from glider kits in 2016, they were ensuring that *all* truck manufacturers were subject to similar pollution control standards.
- EPA worked to cause as little disruption as possible to the glider truck industry while still meeting its responsibility under the Clean Air Act to protect the public from this harmful and disproportionate pollution.
- Under EPA's common sense actions to close the loophole, beginning in 2018, glider manufacturers must cap production of high-polluting vehicles at 300 annually. Gilder manufactures remain free to produce additional glider vehicles as long as those meet the modern air pollution controls that all other manufacturers already meet.
- If the agency moves ahead with its proposal to reopen this glider truck loophole, EPA would actually *undermine* regulatory certainty and unfairly disadvantage the responsible members of the freight trucking industry.
- If Administrator Pruitt were truly concerned about the rule of law, he would keep these vital public health protections in place, as they help ensure a level playing field for freight truck manufacturers.

- This action is one of many in Administrator Pruitt's short tenure that shows a disregard for the agency's core mission to protect public health and the environment. In less than a year, Administrator Pruitt has taken aim at protections on pollution from oil and gas, power plants, landfills, passenger cars, and numerous other sources.
- Perhaps the most significant of Administrator Pruitt's rollbacks is his proposal to repeal the Clean Power Plan.
  - Repealing the Clean Power Plan would create tremendous regulatory uncertainty for states and regulated entities. Despite Administrator Pruitt's claims about restoring the rule of law, he hasn't even committed to replacing the Clean Power Plan with *any* policy, even though the Supreme Court has affirmed three times EPA's legal responsibility to protect against climate pollution.
  - And like the glider kit rollback, repealing the Clean Power Plan would have devastating effects for public health. If fully implemented, the Clean Power Plan would annually prevent 90,000 asthma attacks in children and 300,000 missed work and school days by 2030.[8] It would also prevent up to 4,500 premature deaths every year by the Trump administration's own analysis.[9]
- Administrator Pruitt has repeatedly shown a disregard for EPA's core mission of protecting the health and welfare of regular Americans. I strongly urge that this Administration change course. In particular, Administrator Pruitt should not reopen the glider truck loophole.
- Thank you for the opportunity to testify on these important issues.

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[7] *See, e.g.*, Comments of Volvo Trucking, at p. 1865-69. https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1966

[8] EPA, Fact Sheet: Overview of the Clean Power Plan, https://archive.epa.gov/epa/cleanpowerplan/fact-sheet-overview-clean-power-plan.html.

[9] EPA, Regulatory Impact Analysis for the Review of the Clean Power Plan Proposal, at 123. https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf.

My name is Dr. Dave Cooke, Senor Vehicles Analyst with the Union of Concerned Scientists.

I appreciate the opportunity to speak today, although frankly I'm a bit flummoxed as to why the Administration is seeking to ignore its legal responsibility to regulate glider vehicles and protect Americans from this egregious pollution.

The proposed repeal would affect the Heavy-duty Phase II Emissions and Fuel Economy regulations, a rulemaking in which I was an active participant in the more than 3-year process through which these regulations were finalized. The agencies engaged with stakeholders across industry as well as community representatives and non-governmental organizations like the Union of Concerned Scientists. The rulemaking required a small-business advocacy review panel, which solicited input from glider vehicle assemblers, and out of that process came a number of concessions to small businesses, including some of the provisions related to the further manufacture of glider vehicles. This was a well-informed process embraced by industry, which is why the vast majority of industry is asking for this regulation to be left untouched. It was endorsed by the largest private fleet (Pepsi), the largest for-hire fleet (UPS), the American Trucking Associations, and even the largest manufacturer of glider kits, Daimler Trucks North America.

Today we find ourselves ignoring the findings of this well-informed multi-year regulatory process because a couple businesses with political ties met with the Administrator and petitioned for this provision to be repealed. Despite claiming hardship in the petition, these businesses' own words bely the falseness of this argument. Fitzgerald themselves noted that they could still be profitable under a 300-vehicle cap,[i] and Indiana-Phoenix even reported that these regulations would be a job ***creator***, requiring additional employees to ensure compliance.[ii]

Additionally, focusing solely on the glider assemblers completely ignores the other small businesses in the industry who have been forced to compete on an uneven playing field thanks to the loophole the agency is now seeking to reopen. Dealerships who sell vehicles that abide by pollution restrictions are being put at a competitive disadvantage by those such as Mr. Clark's who sell glider vehicles, since skirting the law to assemble a new vehicle without caring one iota about the pollution that comes from it is obviously a lot cheaper than actually abiding by pollution restrictions.

Of course, this is not new information for EPA—they heard this already from these small businesses in the process of crafting the Phase II regulations[iii] as well as in the current repeal process.[iv] EPA's own analysis on the economic impacts of this provision agrees, noting how repeal would disadvantage those who are actually working to limit pollution from the trucking industry.[v]

Going through with the repeal would benefit a few cheaters at the expense of everyone else, and this is made even more obvious when considering the adverse impacts this repeal would have on air quality. In its support for closing this loophole, EPA technical staff noted that each year's worth of new glider vehicles at today's production levels would result in about 1600 premature deaths thanks to the nearly 200,000 tons of excess NOx emissions and 5,000 tons of excess particulate produced every year.[vi] This is a staggering amount of pollution, worse than having a new Volkswagen scandal each and every year of production.

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Since this initial analysis, EPA has not only confirmed the hazard posed by these vehicles but provided test data that suggests the impacts of these vehicles could be even worse than originally anticipated. The engines Fitzgerald is putting into its vehicles were the subject of a consent decree with industry as a result of the use of defeat devices throughout the 1990s. On top of this, Fitzgerald is actually tuning the controls of these engines even more towards maximizing fuel economy at the expense of increased emissions,[vii] resulting in a failure to meet even the lax standards the engines had to pass two decades ago.[viii] It's absolutely appalling.

Perhaps even more appalling is the slapdash tests Fitzgerald has submitted to the docket to justify the continued sale of its pollution-spouting trucks. While ostensibly taken by "independent" researchers at Tennessee Tech, the research was in fact conducted at Fitzgerald's facilities, using Fitzgerald's equipment. The testing conducted fails basic scientific principles—researchers didn't even use industry standard test cycles to enable a comparison with the regulations of which these vehicles are in violation, and they tried to judge particulate matter (PM) simply ***by eye***.

On top of the shoddy lab tests themselves, the resulting data was presented in a misleading way, with the researchers excluding the numerical results of the chief pollutants of concern, soot (PM) and smog-forming NOx. Had I conducted my own doctoral thesis research in such a manner, I can assure you I would not have a Ph.D. today.

And yet even at the end of the day, these researchers and Fitzgerald themselves acknowledge that these glider vehicles pollute at levels that far exceed the standards applied to trucks in the past decade.[ix]

The science shows that these vehicles endanger public health. The Clean Air Act requires that EPA set motor vehicle standards that protect public health. It's time to follow the science and do what is right: let's close this loophole and prevent further damage.

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[i] Tommy Fitzgerald, Jr.: "We're set up to make a profit at 300 a year." Quoted in Berg, T. 2013. "The Return of the Glider: Sales have been booming, but will the trend continue?" ***Truckinginfo.com***. Online at ***www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx***.

[ii] Docket No. EPA-HQ-OAR-2014-0827, Document # -0149, p. B7.

[iii] Docket No. EPA-HQ-OAR-2014-0827, Documents # -1966, -1010, -0918, -0948, and -1468.

[iv] Docket No. EPA-HQ-OAR-2014-0827, Documents # -2426, -2385, -2400, -2396, -2399, -2398, and -2388.

[v] Docket No. EPA-HQ-OAR-2014-0827, Document # -2407, p. 2.

[vi] Annual numbers in 2025, per analysis in EPA and NHTSA. 2016. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 Response to Comments for Joint Rulemaking. EPA-420-R-16-901, Table A-1.

[vii] Tommy Fitzgerald, Jr.: "We set the engine up to where it can be more efficient. Fuel economy benefits are achieved through special programming of the engine's electronic module and from the external and internal parts used in the engine rebuilding process." Quoted in Jaillet, J. 2014. "Gliders 101: Five common questions about glider kits answered," ***Overdrive***. Online at ***www.overdriveonline.com/gliders-101-five-common-questions-about-glider-kits-answered/***.

[viii] Engine operation at points B75 and C75 fall within the control area and fail the 7 g/bhp-hr "not to exceed" (NTE) limit. The weighted average over the SET cycle of 6.73 g/bhp-hr exceeds the 6 g/bhp-hr limit of the Euro3 test required under the consent decree. Docket No. EPA-HQ-OAR-2014-0827, Document # -2417, Table 15.

[ix] See "Summary Chart of Phase 1 Test Results," submitted as part of the petition for reconsideration, Docket No. EPA-HQ-OAR-2014-0827, Document # -2373, p. 9.

December 4, 2017

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Thank you for having this hearing today on this critically important issue. My name is Jonna Hamilton and I am the Senior Manager of Government Affairs for the Clean Vehicles team at the Union of Concerned Scientists.

The Union of Concerned Scientists is the nation's leading science-based nonprofit, putting rigorous, independent science to work to solve our planet's most pressing problems. On behalf of UCS's more than 500,000 supporters and 23,000 scientists, engineers, and public health professionals, I strongly oppose this proposed action on the part of EPA. Glider vehicles are just new shells with ancient, polluting engines in them that negatively affect the health of millions of Americans. This industry has taken off in the last 7 years, going from making a few hundred of these vehicles annually to making well over 10,000 in 2015.[1] This exponential increase in sales appears to be just to avoid complying with the critical pollution control standards that have been put in place that protect the health and welfare of the public. In fact, the vast majority of the engines used for these vehicles are from 1998-2002 – before our current standards were in place for nitrogen oxide (NOx) and particulate matter (PM).[2] And, it's worth noting, these engines were out of compliance with standards at the time – so much so that the manufacturers were found to be cheating on their pollution control systems and entered a settlement agreement with the government. We thought that these engines would be getting off the roads by now, but instead these old, cheating, dirty engines are finding new life in new trucks that will be used for decades to come.[3]

These vehicles will result in severe health consequences for affected communities, ranging from more asthma attacks to premature deaths. The recent complete full chassis dynamometer testing of two glider vehicles showed that NOx emissions were 43 times higher than for new tractors manufactured in 2014. Particulate emissions ranged from 50 to 450 times higher than new trucks.[4] In fact, while testing for particulates, EPA had to adjust the flow of exhaust through their system because the levels were so high that the sensor couldn't read it.[5] They published

[1] Docket No. EPA-HQ-OAR-2014-0827-2379.pdf, redacted memo, P.1.
[2] Ibid, P.2
[3] EPA-420-R-16-901 EPA and NHTSA Response to Comment on Proposed Rulemaking on Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2. P.1964 footnote 253. https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF
[4] Docket No. EPA-HQ-OAR-2014-0827, Document # -2417
[5] Ibid. Figure 9.

pictures of the filters in their testing report and it literally looks like someone colored the filter with a sharpie, whereas the control filter from a new truck looks almost pristine. This is also what particulate matter does to our lungs.

Diesel exhaust has been recognized as being carcinogenic by the World Health Organization's Agency for Research on Cancer.[6] NOx is the primary ingredient in smog and is known to cause asthma attacks and cardiovascular harm. Particulate matter also contributes to asthma attacks and is linked to heart attacks, strokes, lung cancer, and premature deaths. In fact, EPA estimated in its initial rule that the amount of particulate matter from 10,000 gliders sold per year would cause 1,600 premature deaths annually – this is a conservative estimate as glider sales exceed 10,000 and it doesn't take deaths from NOx pollution into account.[7] This is a horrifying number, particularly when we know that we have put rules in place to ratchet down these harmful emissions to protect human health and welfare. The large manufacturers of dirty glider trucks exploited an oversight of regulation for many years and are now fighting to allow unlimited numbers of these deadly polluters on the roads forever. Even in this proposed rulemaking, EPA acknowledged that this action would put children's health at risk.[8]

The health impacts of this pollution are not equally distributed. Residents of low-income communities and communities of color are more likely to live near busy roads and freight hubs, where exposure to pollution from heavy-duty vehicles and freight is greater.[9] Working, living, playing, and exercising near busy roads has been found to increase the risk of health impacts – 19% of Americans live near a busy road, but that number increases to 27% for people of color. Additionally, the median income near busy roads is roughly 10 percent below the local average, or 20 percent lower for people of color.[10] This proposal to continue to allow unfettered sales of heavily polluting glider vehicles puts our most vulnerable citizens at further risk and goes directly against the mandate of the EPA to protect the health and welfare of Americans.

My testimony has mostly focused on the pollution and therefore health impacts of these vehicles, which is critical, but EPA's proposed repeal hinges solely on EPA's legal authority to regulate these trucks, as the Clean Air Act limits EPA enforcement to "new" vehicles. So, I will offer some information on places that consider these to be new vehicles.

First, Fitzgerald, the largest manufacturer of glider vehicles, and the main company that submitted the petition for reconsideration after a private meeting with Administrator Pruitt,

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[6] IARC: DIESEL ENGINE EXHAUST CARCINOGENIC https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf

[7] Docket No. EPA-HQ-OAR-2014-0827-2379.pdf, redacted memo, P.1.

[8] https://www.federalregister.gov/d/2017-24884/p-91

[9] Hricko, A., G. Rowland, S. Eckel, A. Logan, M. Taher, and J. Wilson. 2014. Global trade, local impacts: Lessons from California on health impacts and environmental justice concerns for residents living near freight rail yards. International Journal of Environmental Research and Public Health 11(2):1914–1941. doi:10.3390/ijerph110201914;
Houston, D., W. Li, and J. Wu. 2014. Disparities in exposure to automobile and truck traffic and vehicle emissions near the Los Angeles—Long Beach Port Complex. American Journal of Public Health 104(1):156–164. doi:10.2105/AJPH.2012.301120.

[10] Rowangould, G.M. 2013. A census of the U.S. near-roadway population: Public health and environmental justice considerations. Transportation Research Part D: Transport and Environment 25:59–67. doi:10.1016/j.trd.2013.08.003.

markets these as new vehicles to truckers and fleets. Second, several states title these vehicles with the date of manufacture of the cab or glider kit, not the engine. Third, the IRS considers them to be new motor vehicles and has been working to close a loophole that allows the sale of these vehicles to escape paying the federal excise tax if they are 25% cheaper than a comparable new truck.[11] Some dealers advertise glider vehicles as new trucks, touting that they have a new Vehicle Identification Numbers and are often deductible as a new truck purchase and may be a depreciable asset.[12] The industry portrays everything about glider trucks as new, until they need to comply with appropriate emission reductions.

This is a loophole that you can drive a truck through. We strongly support closing this loophole and ensuring that all trucks that are new to the road comply with modern pollution reduction regulations, for the health and safety of all Americans.
Thank you,

Jonna Hamilton
Government Affairs
Union of Concerned Scientists

[11] IRS Office of Chief Counsel Memoranium Number 201403014, Seciton 4051: Chassis Renovation. https://www.irs.gov/pub/irs-wd/1403014.pdf
[12] https://www.uptruckcenter.com/western-star-gliders/

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EPA Public Hearing on the proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits rule

December 4, 2017

EPA, 1201 Constitution Avenue, NW, Washington, DC.

Rachel Muncrief Oral and Written Testimony

Panel 2 (10:15-11:45am)

A. Summary of Comments

My name is Rachel Muncrief, and I direct the heavy-duty vehicles program of the International Council on Clean Transportation. I have been working on heavy-duty vehicle policy in the United States, specifically on the topic of controlling diesel engine exhaust emissions, for 15 years — 5 years at the ICCT and 10 years as a researcher at the University of Houston, concluding my time in Houston as director of the university's diesel vehicle testing and research lab.

Glider trucks consist of a new vehicle chassis into which an older re-manufactured engine has been installed. A decade ago, sales of glider trucks in the US were mostly limited to vehicles that had been in an accident that left the body unrepairable, but the powertrain still intact. Over the past 10 years, sales of glider kits have increased exponentially as a deliberate attempt by glider kit manufacturers and assemblers to circumvent emissions control regulations. In the Phase 2 Heavy Duty Vehicle Greenhouse Gas regulation, the EPA sought to cap and eventually disallow the sale of glider trucks equipped with engines that are not compliant with current emissions standards. The proposal under discussion today would remove that provision from the Phase 2 regulation.

Based on ICCT's analysis of the impacts of this regulation, the EPA reached the correct conclusion in the Heavy-Duty Vehicle Phase 2 Greenhouse Gas regulation. It is our position that the limitations on glider trucks sales set in that regulation should be kept in place unaltered.

I would like to focus my short time today on the substantial increase in air pollution and associated public health consequences that this proposal would bring about. It's important to point out here that EPA did not conduct any impact assessment or cost benefit analysis for this proposal. From ICCT's perspective this is highly unusual, and a major defect in the proposal. We are not aware of any previous EPA regulation that failed to consider air quality and health impacts as well as costs.

The ICCT did conduct our own impact analysis. Let me summarize our findings.

Emissions from glider trucks being sold today are much higher than emissions from all other new trucks because the engines in glider trucks are not equipped with any emissions controls. Modern diesel engines have the equivalent of a small chemical factory in their tailpipe, which enable them to reduce emissions of harmful pollutants such as nitrogen oxides and particulate matter by over 90%.

According to the EPA's own testing results, in operations typical of tractor-trailer driving, glider trucks emit 30 times the NOx and 60 times the PM of a modern tractor-trailer. Sales of glider trucks today are around 10,000 per year—5% of the Class 7 and 8 tractor truck market—up over an order of magnitude from 10 years ago. If these numbers continue to grow, even at a moderate pace, EPA's proposed regulation would expose US citizens to an additional 1.5 million tons of NOx and 16 thousand tons of PM emissions over the next decade, that they would not be exposed to otherwise. To put this in monetary terms, this is equivalent to more than 12 billion dollars in health damages over the next decade.

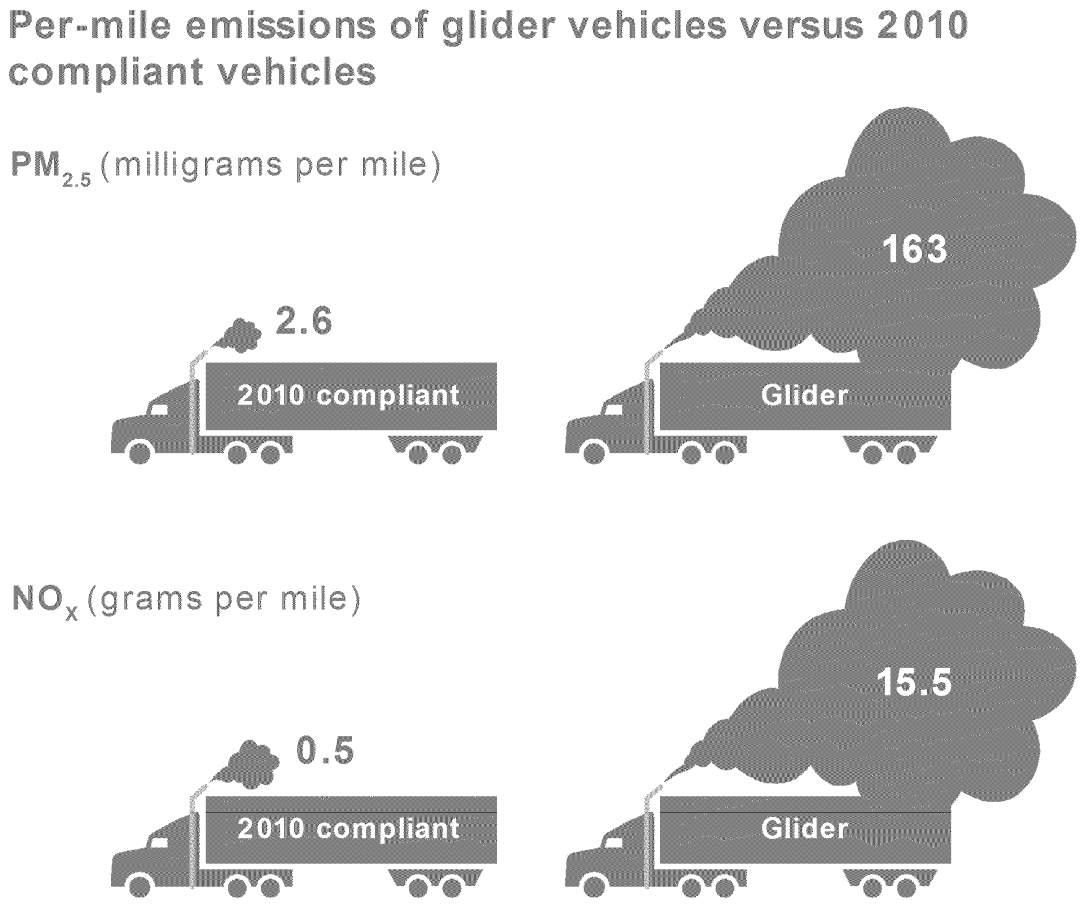
ICCT's analysis was done using EPA's own emissions testing data, EPA's MOVES model estimates of annual vehicle sales and vehicle miles traveled, and EPA's published estimates of damages per ton of direct emissions from on-road mobile sources. Therefore, we are confident that if EPA had done an impact assessment of this proposal their numbers would be close to ours.

Let me put these emissions numbers into perspective. The extra NOx emissions caused by this proposal, if it is finalized, will be 13 times what the impact of the Volkswagen defeat device scandal would have been if EPA hadn't caught VW cheating (something in which my organization played a small but important part). VW's deception has cost that company over 20 billion dollars in fines in the U.S. It would be inconsistent and destructive for the EPA, having helped to penalize one company for evading a reasonable emissions regulation, to then turn around and rescind another regulation specifically for the purpose of enabling a small number of other companies to profit by harming Americans' health and environment in the same way.

Finally, the proposal to overturn the glider truck provisions is based on one argument: that EPA has reinterpreted the Clean Air Act and determined that glider trucks are not new motor vehicles, and EPA does not have authority to regulate glider trucks and their engines. This is an unreasonable and impermissible interpretation of the Clean Air Act for a number of reasons, and the analysis supporting this conclusion is included in our written testimony.

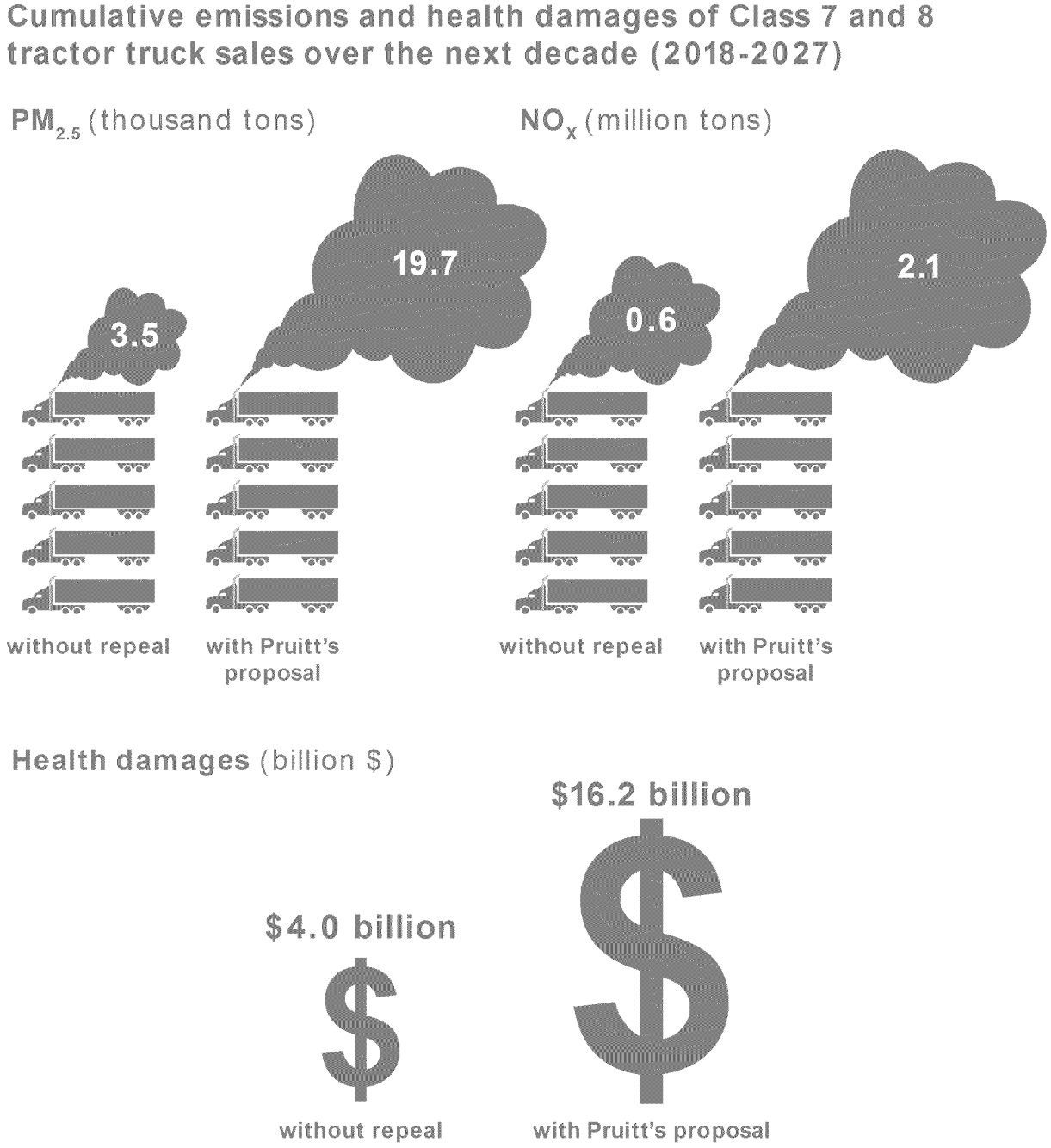
Thank you for the opportunity to testify today.

B. Supporting Figures



Results are derived from chassis dynamometer testing[1] conducted by US EPA's National Vehicle & Fuel Emissions Laboratory (November 20, 2017). Results reflect a 95% weighting of highway activity (55 and 65 mph cycles) and 5% weighting of transient activity (ARB transient) for a test vehicle with a combined weight of 60,000 pounds (including the tractor, trailer, and payload).

[1] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417



Estimates without repeal assume glider vehicle sales without 2010 emissions compliant engines drop to 1,000 units per year from 2018 to 2020 and to zero starting in 2021. Estimates with Pruitt's proposal assume sales of glider vehicles with pre-2002 engines are permitted to grow from approximately 10,000 units per year in 2015 to 17,400 units

per year in 2027 (10.4% of total sales). Annual total sales and vehicle-miles traveled by tractor-trailers are sourced from US EPA's Motor Vehicle Emission Simulator (MOVES2014[2]). Monetized health damages (in billion 2017 $) are equal to ICCT estimates of direct PM2.5 and NOX emissions from Class 7 and 8 tractor trucks sold in 2018 and later, multiplied by US EPA estimates of damages per ton[3] of direct emissions from on-road mobile sources in 2016. Damages in future years are converted to present value terms using a discount rate of 5% per year.

[2] https://www.epa.gov/moves
[3] https://www.epa.gov/benmap/sector-based-pm25-benefit-ton-estimates

C. Legal Memo in Support of EPA's authority to regulate glider vehicles

EPA proposes to reject its prior interpretation that glider vehicles are "new motor vehicles," and adopt a much narrower interpretation - glider vehicles cannot be new motor vehicles because their engines and other parts of the powertrain are used, and not "showroom new." This would be an unreasonable and impermissible interpretation of the Clean Air Act (CAA).

EPA's prior interpretation is clearly reasonable, if not compelled by the Act. The current proposal recognizes this, stating that "[f]ocusing solely on that portion of the statutory definition that provides that a motor vehicle is considered ''new'' prior to the time its ''equitable or legal title'' has been ''transferred to an ultimate purchaser,'' a glider vehicle would appear to qualify as ''new.''"[4] EPA justifies rejecting this straightforward approach by arguing that the structure and history of the Act indicate that "it seems likely that Congress understood a ''new motor vehicle,'' … to be a vehicle comprised entirely of new parts and certainly not a vehicle with a used engine."[5]

EPA's arguments are faulty and unsound and do not support its conclusion. EPA provides no legislative history or any other evidence to support its conclusion, which flies in the face of Congressional intent as expressed in the plain language of the definition. EPA's arguments amount to unsupported and improper guesses or speculation as to Congressional intent.

[4] 83 FR 53442, 53445 (November 16, 2017).
[5] Id. at 53446.

EPA first argues that glider vehicles have only recently been produced in great numbers, therefore "it is likely that [at the time of enactment] Congress did not have in mind that the definition would be construed as applying to a vehicle comprised of new body parts and a previously owned powertrain."[6] EPA provides no legislative history or any other evidence to support this conclusion, which flies in the face of Congressional intent as expressed in the plain language of the definition.

EPA's argument is inconsistent with the public understanding of glider vehicles at the time of the enactment of the CAA. Prior to enactment, the Internal Revenue Service imposed an excise tax on manufacturers of new trucks using glider kits. This tax applied when a "taxpayer purchased … in packaged or "glider kit" form, all the necessary new elements, including frame, cab, brake system, etc. … and then had the structuring and assembling processes done by a third party."[7] The glider kit process resulted in a "new truck entity having been produced, and not a repairing or reconditioning of the old truck," and the manufacturer of the new truck entity was subject to the excise tax. To the extent the public view of glider kits at the time of enactment is even relevant, given the absence of any legislative history, at that time vehicles produced using glider kits were considered new vehicles, subject to proper regulation by the government as new vehicles. If anything, this shows Congress would likely have considered glider vehicles to be new vehicles when it enacted the CAA's definitions.

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[6] Id. at 53445.

[7] *Boise National Leasing, Inc. v. United States*, 389 F.2d 634, 636-37 (9th Cir. 1968).

EPA next argues that similarity in the definitions used in the CAA and the Automobile Information Disclosure Act of 1958 (AIDA) shows that "Congress intended … that a ''new motor vehicle'' would be understood to mean something equivalent to a ''new automobile'' — i.e., a true ''showroom new'' vehicle."[8] EPA's argument relies on flawed logic:

(1) AIDA and the CAA have a similar definition of "new" vehicle, as both use a line drawn at the transfer of title to the ultimate purchaser.

(2) AIDA focuses on showroom new vehicles.

(3) Given the similarity in definitions, Congress also intended to limit the CAA to showroom new vehicles.

EPA's analysis is superficial and incomplete. It does not consider the other textual provisions of AIDA and how they interact, and does not consider the critical differences between the CAA and AIDA in text and Congressional purpose. Even assuming Congress was aware of and relied on AIDA, and EPA presents no evidence of this, these differences indicate that Congress rejected AIDA's narrow and limited approach, and instead opted for a broader more expansive legislative solution in Title II of the CAA.

First, EPA's reference to "showroom new" clearly refers to the showroom of a new car dealer. AIDA's legislative history indicates that this is the focus of AIDA. See *Baltimore Luggage*

[8] 83 FR at 53446.

Company v. FTC, 296 F. 2d 608 (4th Cir. 1961), decided several years before adoption of the CAA. The problem Congress addressed in AIDA was fraud and deception occurring in the showroom of new car dealers, and it crafted a narrow solution to address it. The result was a requirement for a window label for new cars shown by new car dealers in their showrooms. However this focus on dealers and their showrooms was not driven by AIDA's definition of "new automobile," but by other provisions of that law.

AIDA's definition of a new automobile, by itself, does not limit AIDA to new automobiles that end up in the showroom of a new car dealer. That focus derives from a separate section, the requirement that manufacturers affix the window label to a new car prior to delivery of the vehicle to a dealer.[9] This manufacturer requirement is what ties the window label to the automobiles shown in new car dealers' showrooms, not the definition of new automobile. In effect Congress defined new automobile somewhat broadly in AIDA, but then narrowed the labeling requirement by limiting it to only those new automobiles delivered to new car dealers. For example, a new car sold directly by a manufacturer would not be subject to the labeling requirement. While that kind of distribution would not typically occur, this example makes clear that the definition of new automobile is not what ties AIDA to "showroom new" cars, a different section of the law achieves this result. EPA's reasoning and conclusion, which relies on the AIDA definition by itself, is not supported by the text of AIDA.

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[9] "Every manufacturer of new automobiles distributed in commerce shall, prior to the delivery of any new automobile to any dealer, or at or prior to the introduction date of new models delivered to a dealer prior to such introduction date, securely affix to the windshield, or side window of such automobile a label on which such manufacturer shall endorse clearly, distinctly and legibly true and correct entries disclosing the following information concerning such automobile" (emphasis supplied) 15 U.S.C. 1232. The enforcement for this labeling requirement is addressed in 15 U.S.C. 1233.

The CAA and AIDA differ in many important ways, and it is clear that in the CAA Congress did not take the narrow approach used in AIDA and did not focus on the subset of vehicles presented for show in new car dealer's showrooms.

(1) The CAA's Title II provisions address a much broader societal problem – air pollution problems, reaching broadly across the country - while AIDA addresses a specific consumer information problem involving just new car dealers.

(2) Unlike AIDA, the CAA's definition of new motor vehicle covers many more kinds of vehicles than passenger cars. The CAA covers all kinds of cars and trucks, from the smallest passenger car to the largest commercial tractor trailer. It covers many more kinds of manufacturers and their distribution networks, the ways in which new cars or trucks are sold to their buyers. The vehicles and their manufacturing and distribution networks are more varied than the limited world of manufacturer deliveries of passenger cars to new car dealers.

(3) Unlike AIDA, the definition of new motor vehicle is not limited to a line drawn based on the transfer of title to an ultimate purchaser. The definition of new motor vehicle is broader in scope, and it is clear that a new motor vehicle may include an engine whose title has already passed to an ultimate purchaser, that is, a new motor vehicle may include a used engine.[10] The definition also covers all imported vehicles, clearly

[10] EPA appears to argue this cannot be the case, because Congress routinely used the term new motor vehicle and new motor vehicle engine together. See 83 FR at 53446. However the definition of new motor vehicle engine is clear - a new motor vehicle can include an engine whose title has already been transferred to the ultimate purchaser. See CAA section 216 (3) and

including used vehicles. Thus on its face the definition of new motor vehicle is not limited to the kind of "showroom new" vehicles shown by new passenger car dealers.

(4) It is the manufacturer requirement that focuses AIDA on new car dealers' showrooms, not the definition of new automobile. The parallel manufacturer provision in the CAA is section 203(a), which requires that a manufacturer obtain an EPA certificate of conformity before selling, offering for sale, introducing into commerce or delivering a new motor vehicle for introduction into commerce. Nothing narrows this prohibition or somehow limits Title II to vehicles delivered to a dealer for presentation in "showroom new" condition in their showroom. The CAA prohibition is much broader in scope than the labeling requirement in AIDA, properly reflecting the broader scope of the air pollution problem Congress was trying to solve.

A comprehensive comparison of the text, structure, and legislative purpose of AIDA and the CAA shows that Congress adopted a narrowly tailored solution in AIDA, using narrowing text to address a specific, limited consumer information problem, but rejected this approach for the CAA. Congress instead chose broader and more expansive text, to better meet the larger and more complex societal problem posed by air pollution. Congress did not intend to limit the CAA to "showroom new" vehicles, as it did in AIDA, and even assuming Congress was informed by AIDA, it is clear that Congress rejected the narrow AIDA approach and instead chose a broader and more expansive approach for the CAA.

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81 FR at 73518. EPA's approach is inconsistent with the definition of new motor vehicle engine, and would make the first part of that definition meaningless.

EPA ignores the straightforward meaning of the text adopted by Congress in favor of inferences or guesses as to what Congress must have "really meant" when it adopted the CAA. This approach was rejected by the Supreme Court in *Massachusetts v. EPA*, 549 U.S. 497 (2007), which found that "the broad language of [CAA] § 202(a)(1) reflects an intentional effort to confer the flexibility necessary to [address changing circumstances and scientific developments] … [T]he fact that a statute can be applied in situations not expressly anticipated by Congress does not demonstrate ambiguity. It demonstrates breadth."[11] The definition of new motor vehicle reflects this same flexibility and breadth.

Finally, EPA provides no justification or argument that its proposed interpretation would in any way further the purposes of the CAA. It cannot, as EPA's proposal does the opposite. This proposal would lead to a dramatic rise in harmful air pollution, with no explanation as to why this interpretation, which removes EPA's ability to reasonably address this vehicle based air pollution, promotes the purposes of Title II of the Act, which are designed to address just this kind of problem.

EPA's proposed interpretation of the CAA is unreasonable and unjustified, and is not a permissible interpretation of the Act. It must be rejected, and the current interpretation retained.

[11] *Massachusetts v. EPA*, 549 U.S. 497, 532 (2007).

Testimony for 12/4 Hearing on

EPA's Proposal to Repeal Emission Requirements for Glider Vehicles

Erin Murphy, Environmental Defense Fund

- Hello, my name is Erin Murphy and I am a Legal Fellow with the Environmental Defense Fund. Thank you for the opportunity to testify today.
- I am here speaking in opposition to EPA's proposal to reopen a dangerous loophole for glider trucks, which are outdated, super-polluting diesel freight trucks.
- The proposed rollback of limits on glider truck pollution is senseless. It would result in an enormous increase in pollution and would have a staggering, detrimental impact on public health. Furthermore, the proposal would advantage one small segment of the freight truck industry, at the expense of more responsible manufacturers.

HEALTH

- EPA's proposal would allow unlimited numbers of new glider trucks to be sold with dirty engines, without any pollution controls.
    - These glider trucks emit harmful soot and smog-causing pollutants: oxides of nitrogen, particulate matter, and diesel particulate.
    - Exposure to those air pollutants is known to cause or worsen respiratory diseases such as asthma, bronchitis, and emphysema, can aggravate heart disease, and can even cause premature death.[1] Diesel particulate is known to cause cancer.[2]
- EPA's mission is to protect human health, and as science advances, EPA updates its rules to help protect Americans from harmful pollutants in the air we breathe. That's why Congress created this dynamic agency – to bring together scientists, policymakers, & unbiased experts to help keep people and our environment healthy.
    - It's important to remember the past, when we didn't have the benefit of sound science and sensible safeguards.

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[1] https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm; https://www.epa.gov/no2-pollution/basic-information-about-no2#Effects

[2] https://www.cancer.org/cancer/cancer-causes/diesel-exhaust-and-cancer.html; https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf

- My mom has told me stories of how, as a kid playing outside, she and her friends would run through the neighborhood chasing the DDT truck. The kids would race to keep up with the truck and run through the clouds of DDT.
- Fifty years later, my mother's story is horrifying. We know now that DDT is toxic – it is a likely carcinogen and an endocrine disruptor.[3] Our country has taken action to protect Americans from this dangerous substance.
- Just as we learned more about DDT, we have learned about the harmful emissions from freight trucks. EPA issued standards to limit dangerous pollution from freight trucks, and manufacturers developed technology to reduce pollution, so that trucks produced today are vastly cleaner and safer than just 20-30 years ago.
- We know that the pollution emitted by uncontrolled freight trucks is very harmful to human health. Reopening the gliders loophole could result in 6,400 premature deaths, just from glider trucks sold through 2021.[4] So why would we do that? Why go back to allowing trucks on the road that emit so much pollution, when information on the health consequences is so clear?

UNFAIR TO LAW-ABIDING BUSINESS

- These questions are particularly hard to answer because Administrator Pruitt's proposal benefits just a few companies, while disadvantaging responsible freight truck manufacturers that have invested in pollution controls.
  - Let's review the history -- there used to be a loophole that allowed these glider trucks to be built *without* having to comply with current pollution rules. Then, in the phase 2 rule regulating greenhouse gas emissions from heavy-duty vehicles, issued in October 2016, the EPA closed the glider trucks loophole.[5] No one challenged EPA's decision to close the glider loophole at that time.

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[3] https://www.epa.gov/ingredients-used-pesticide-products/ddt-brief-history-and-status
[4] http://blogs.edf.org/climate411/2017/11/16/epas-pruitt-tries-to-open-a-loophole-to-allow-super-polluting-trucks-on-our-roads/
[5] https://www.federalregister.gov/documents/2016/10/25/2016-21203/greenhouse-gas-emissions-and-fuel-efficiency-standards-for-medium--and-heavy-duty-engines-and

- Fitzgerald Glider Kits is the largest glider kit dealer in the country.[6] During the 2016 election, Trump visited the Fitzgerald facility for an event. Earlier this year, EPA Administrator Scott Pruitt met with the owner of Fitzgerald Glider Kits.[7]
    - Only after its private meeting with Administrator Pruitt did Fitzgerald file a petition asking EPA to reconsider the glider rule.[8] Administrator Pruitt agreed.[9] That process resulted in the proposal we are discussing today.[10]
    - This is cronyism.
    - If EPA goes through with this proposal to reopen the loophole, other truck manufacturers—who are already complying with existing standards—will be forced to compete for sales with super-polluting glider trucks.
    - Volvo, which manufactures MAC trucks, has stated that the availability of glider trucks creates "an unlevel playing field for manufacturers of new vehicles."[11]
- EPA's proposal to reopen the loophole for glider trucks is counter to the agency's core mission. The American people rely on EPA to monitor health threats and protect the public from dangerous pollution. This rule would increase exposure to harmful pollution, causing Americans to get sick and die early, and just for the sake of political cronyism. EPA should not reopen the glider trucks loophole.
- Thank you again for the opportunity testify.

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[6] https://www.fitzgeraldgliderkits.com/about-fitzgerald/
[7] https://www.washingtonpost.com/politics/epa-is-taking-more-advice-from-industry--and-ignoring-its-own-scientists/2017/11/10/aa1fbaba-b8fb-11e7-9e58-e6288544af98_story.html?utm_term=.115603055540; https://www.documentcloud.org/documents/4064980-Pruitt-Sked-and-McCarthy-Sked.html
[8] https://www.epa.gov/sites/production/files/2017-07/documents/hd-ghg-fr-fitzgerald-recons-petition-2017-07-10.pdf
[9] https://www.epa.gov/sites/production/files/2017-08/documents/hd-ghg-phase2-fitzgerald-gliders-ltr-2017-08-17.pdf
[10] https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider
[11] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1966

Testimony of Martha Roberts, Environmental Defense Fund
EPA's Hearing on Proposed Rule: Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits
December 4, 2017

My name is Martha Roberts. I am an attorney with Environmental Defense Fund. Thank you for the opportunity to testify today.

I am here on behalf of Environmental Defense Fund's over two million members and supporters to oppose any rollback, any delay, or any weakening of pollution limits for super-polluting glider trucks.

I think we've all been stuck behind heavy-duty freight trucks belching black soot while driving. That thick, black soot looks bad for you, and it is bad for you.

We see less and less of that these days, thanks to common sense standards from the Environmental Protection Agency (EPA) that protect us from this harmful, excessive pollution.

But that progress is now at risk. Administrator Scott Pruitt's proposal to reopen a loophole would allow the sale of super-polluting glider trucks that lack modern pollution controls. This is an unconscionable, irrational step that would allow an unlimited number of these dangerous, outdated freight trucks on the road. Anyone who likes to breathe air should be concerned.

Let's talk first about the amount of pollution at stake. It is staggering. Super-polluting glider trucks emit harmful soot and smog-causing pollutants – including oxides of nitrogen and particulate matter, as well as cancer-causing diesel particulate – at a rate *forty times* that of new engines.[1]

If this loophole is reopened, EPA estimates that by 2025 glider trucks would comprise just five percent of the nation's heavy-duty freight truck fleet, but they would cause *one third* of the fleet's air pollution.[2]

This pollution puts lives at risk. Data that Administrator Pruitt's own agency has collected shows that reopening the loophole could result in as many as 6,400 premature deaths from soot pollution, just from the glider trucks sold through 2021.[3] And this assessment is actually conservative, as it doesn't account for the health harms from cancer-causing diesel particulate pollution or from smog formation caused by these super-polluting trucks.

This proposal is a grave, immediate threat to public health.

Meanwhile, Administrator Pruitt's action to reopen this loophole goes against the stated wishes of other freight truck manufacturers and dealers,[4] who responsibly invested in pollution control equipment and depend on a level playing field for the well-being of their businesses and the Americans they employ. Many of their representatives are here today to oppose this rollback.

For example, here's what freight truck dealership Nuss Trucks had to say:

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[1] EPA, Frequently Asked Questions about Heavy-Duty "Glider Vehicles" and "Glider Kits", https://nepis.epa.gov/Exe/ZyPDF.cgi/P100MUVI.PDF?Dockey=P100MUVI.PDF.
[2] 81 Fed. Reg. 73,478, 73,943 (Oct. 25, 2016), https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf.
[3] EPA and National Highway Traffic Safety Administration Response to Comments at 1965, https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF.
[4] https://www.edf.org/sites/default/files/content/trucking_industry_leaders_on_gliders.pdf.

> The original intent of selling gilder [trucks] has moved from a rebuilding mechanism to now mainly evading diesel emissions EPA mandates.[5]

Volvo, the manufacturer of MAC Trucks, noted that the availability of "glider trucks" is creating:

> [A]n unlevel playing field for manufacturers of new vehicles designed and certified to be compliant to all current emissions, fuel efficiency, and safety regulations.[6]

Why is Administrator Pruitt giving the glider industry special treatment over responsible freight truck manufacturers — and over the health of American families? Administrator Pruitt granted a glider industry request to reconsider the standards after a meeting with a major glider manufacturer in May. That same manufacturer prominently hosted an event for Donald Trump early in his presidential campaign.

Administrator Pruitt's attempt to repeal these important safeguards reeks of political cronyism, and is being done at the expense of public health. Families and communities across America will be exposed to the dangerous pollution from thousands more of these dirty freight trucks on our highways.

It is important to remember the larger context. This rollback is one part of a larger onslaught of attacks that the Pruitt Administration is carrying out against vital pollution protections at the behest of politically connected major polluters. Right now, EPA also has an open comment period on rolling back the Clean Power Plan, America's only nation-wide limit on carbon pollution from power plants. And Administrator Pruitt is also moving ahead on numerous other rollbacks of safeguards that protect Americans from dangerous pollution.

Administrator Pruitt is putting American families at risk from dirty tailpipes and dirty smokestacks. I urge this Administration to remember EPA's core mission—to protect Americans from pollution—and reject wholesale rollbacks of common sense safeguards that protect Americans, including glider truck pollution limits.

Thank you for the opportunity to speak today.

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[5] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-0922.
[6] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1966.

Testimony of Luke Tonachel, Director of the Clean Vehicles and Fuels Project at the Natural Resources Defense Council before the U.S. Environmental Protection Agency at the Public Hearing for the Proposed Rule to Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits

December 4, 2017

As Prepared for Delivery

Good morning Director Grundler and EPA staff. My name is Luke Tonachel and I direct the Clean Vehicles and Fuels Project at the Natural Resources Defense Council, or NRDC. I'm here today on behalf of NRDC's more than 3 million members and online activists. NRDC strongly opposes the repeal of the emissions requirements for glider vehicles and their engines. If this repeal were to proceed it would open a deadly dirty truck loophole.

This dirty truck loophole created by allowing unfettered sales of new trucks with old, dirty engines will lead to thousands—if not hundreds of thousands—of premature deaths. According to EPA's analysis, one model year of 10,000 glider vehicles would increase pollution enough to cause 1,600 premature deaths. This is astounding and dangerous. And the damages are likely to be much, much bigger because this loophole would encourage thousands more of these new dirty trucks to be sold and operated on public roads. Allowing this to occur completely goes against EPA's mission to safeguard the public's health by ensuring we have clean air.

The rollback that EPA is proposing today will cost American's billions of dollars in increased health care. Damages to Americans are estimated to be $6 to $14 billion annually according to EPA's analysis if the sales of these dirty trucks are unrestricted.

Some communities will bear a disproportionate amount of the life-threatening NOx and particulate matter pollution from this dirty truck loophole. The sickness and billions of dollars in costs will not be spread evenly. Those living near heavily-traveled roadways and ports where truck traffic is heavy will be most affected. These disadvantaged communities are often already saddled with higher health burdens and have fewer resources to protect their health. EPA's proposal would likely increase the risks to these communities.

Clearly, EPA has failed to adequately take this disproportionate burden into account. The proposal completely lacks a detailed assessment of the enormous impacts that this change in policy would have on disadvantaged and environmental justice communities. It's unconscionable to put anyone at risk from avoidable pollution but especially disturbing to increase risk on communities already carrying heavier burdens.

EPA's proposal increases health risks to the public so that a small number of glider vehicle companies can boost their profits. Prioritizing industry profits over citizens' health is not the mission of EPA. The dominant new glider vehicle assembler, Fitzgerald Glider Kits, funded research in an attempt to show that their vehicles are not dirty but the claim does not hold up. Based on data from Daimler Trucks North America and PACCAR, EPA found that "nearly all engines for recent glider production are 1998-2002 pre-EGR engines" that lack the technology necessary to meet current standards.

The emissions results from testing recently-produced glider tractors from model years 2016 and 2017 at the National Vehicle and Fuel Emissions Laboratory are shocking. Compared to conventionally manufactured model year 2014 and 2015 trucks, the glider tractors showed the following:

- NOx emissions 43 times as high, and PM emissions 55 times as high in steady state cruising operations, and
- NOx emissions 4-5 times higher and 50-450 times higher in transient operations.

Allowing thousands of these vehicles to be sold each year is simply unacceptable from a health perspective.

The proposal also fails on a commercial basis. Opening the market to these dirty trucks that exploit a loophole undermines the level playing field the regulations are supposed to create so that all new truck and component manufacturers can fairly compete to bring needed cleaner technology to the market.

In conclusion, EPA must do all it can to protect public health and keep the U.S. on the path to a cleaner environment. Repealing the glider emission standards is a dangerous U-turn. On behalf of NRDC and our supporters, I strongly urge EPA to maintain the current glider vehicle and engine standards and drop this proposal.

From: Kataoka, Mark
Location: N158
Importance: Normal
Subject: Tentative: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/23/2017 7:10:00 PM
End Date/Time: Mon 10/23/2017 8:00:00 PM

From: Kataoka, Mark
Location: N158
Importance: Normal
Subject: Tentative: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/30/2017 6:10:00 PM
End Date/Time: Mon 10/30/2017 7:00:00 PM

From: Kataoka, Mark
Location: N158
Importance: Normal
Subject: Accepted: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/2/2017 7:00:00 PM
End Date/Time: Mon 10/2/2017 7:50:00 PM

From: Kataoka, Mark
Location: N158
Importance: Normal
Subject: Accepted: Not Responsive Glider Reconsideration
Start Date/Time: Wed 10/11/2017 7:50:00 PM
End Date/Time: Wed 10/11/2017 8:35:00 PM

To: Charmley, William[charmley.william@epa.gov]
Cc: Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Catherine Boland[cboland@MEMA.ORG]
From: Laurie Holmes
Sent: Fri 1/5/2018 9:35:15 PM
Subject: MEMA's Comments on EPA Proposal on Gliders
MEMA Comments to EPA on Proposal to Repeal Regulation on Glider Kits Jan 5 2018.pdf

Bill,

Please find attached MEMA's comments that were submitted to the docket today on EPA's proposal on gliders. MEMA expresses opposition to the proposed repeal of requirements for gliders and expresses support for the compromise for gliders that was included in the final Phase 2 rule.

Best,

Laurie

Laurie Holmes

Senior Director, Environmental Policy

Motor & Equipment Manufacturers Association

1030 15th Street NW, Suite 500 East

Washington, DC 20005

Direct: 202-312-9247

Mobile: 202-422-6182

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, November 27, 2017 5:09 PM
To: Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Laurie Holmes <lholmes@mema.org>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Mon 11/6/2017 6:10:00 PM
End Date/Time: Mon 11/6/2017 7:00:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting

Not Responsive Glider Reconsideration

Meeting Time

Occurs every Monday from 1:10 PM to 2:00 PM effective 11/6/2017. (UTC-05:00) Eastern Time (US & Canada)

Recipients

Sargeant, Kathryn
Orlin, David
Kataoka, Mark

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/30/2017 6:10:00 PM
End Date/Time: Mon 10/30/2017 7:00:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting
Not Responsive Glider Reconsideration

Meeting Time
Monday, October 30, 2017 2:10 PM-3:00 PM.

Recipients
Sargeant, Kathryn
Orlin, David
Kataoka, Mark

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/23/2017 7:10:00 PM
End Date/Time: Mon 10/23/2017 8:00:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting
Not Responsive Glider Reconsideration

Meeting Time
Monday, October 23, 2017 3:10 PM-4:00 PM.

Recipients
Sargeant, Kathryn
Orlin, David
Kataoka, Mark

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

To: Moulis, Charles[moulis.charles@epa.gov]; Charmley, William[charmley.william@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Tue 8/29/2017 6:47:17 PM
Subject: RE: HOLD for discussion on HD actions

I would agree with all that Chuck has said – and I know I owe folks an email on this, so Chuck and I can definitely put together an agenda for us to walk through tomorrow. However, Bill, if this time does not work well for you, we can look at another day/time.

From: Moulis, Charles
Sent: Tuesday, August 29, 2017 1:29 PM
To: Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: HOLD for discussion on HD actions

Bill,

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William
Sent: Tuesday, August 29, 2017 1:04 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: HOLD for discussion on HD actions

Tia and Chuck -

Can you let me know what the expectations are for this meeting? I think I would prefer to cancel this meeting, but I don't know what the specific goals are.

Ex. 5 - Deliberative Process; Attorney Client

But before canceling this specific meeting – it would be good if I first understood what we wanted to accomplish with this meeting.

Thanks

Bill

-----Original Appointment-----
From: Sutton, Tia
Sent: Wednesday, August 23, 2017 2:33 PM
To: Sutton, Tia; Charmley, William; Moulis, Charles; Cullen, Angela; Sargeant, Kathryn; Kataoka, Mark; Orlin, David

Cc: Hengst, Benjamin
Subject: HOLD for discussion on HD actions
When: Wednesday, August 30, 2017 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Call-in: (866) Ex. 6 - Personal Privacy

Follow-up/more detailed discussion on the upcoming HD actions. (Scheduling as a 'HOLD' for now, as we are trying to see if this can happen on Monday or Tuesday.)

Chuck and I will send a summary of our 8/22 meeting later today, as well as an agenda and discussion & decision topics for this follow-up meeting.

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/16/2017 2:00:00 PM
End Date/Time: Mon 10/16/2017 2:50:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting

Not Responsive Glider Reconsideration

Meeting Time

Monday, October 16, 2017 10:00 AM-10:50 AM.

Recipients

Sargeant, Kathryn
Orlin, David
Kataoka, Mark

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

To: Charmley, William[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Fri 12/8/2017 4:55:29 PM
Subject: today

Bill—I sent you a scheduler for a 2:30 discussion on Gliders. Hopefully you can make it—there's one other quick thing it would be good to chat about then, too. Ben

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Wed 10/11/2017 7:50:00 PM
End Date/Time: Wed 10/11/2017 8:35:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting
Not Responsive Glider Reconsideration

Meeting Time
Wednesday, October 11, 2017 3:50 PM-4:35 PM.

Recipients
Sargeant, Kathryn
Orlin, David
Kataoka, Mark

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Microsoft Outlook
Location: N158
Importance: Normal
Subject: Meeting Forward Notification: Not Responsive Glider Reconsideration
Start Date/Time: Mon 10/2/2017 7:00:00 PM
End Date/Time: Mon 10/2/2017 7:50:00 PM

Your meeting was forwarded

Parsons, Christy has forwarded your meeting request to additional recipients.

Meeting
Not Responsive Glider Reconsideration

Meeting Time
Monday, October 2, 2017 3:00 PM-3:50 PM.

Recipients
Sargeant, Kathryn
Kataoka, Mark
Orlin, David

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

To: Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Tue 9/26/2017 12:57:11 AM
Subject: Re: Update: Clean Power Plan benefits assessment and implications

Thx. I shared with Sarah

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Sep 25, 2017, at 7:08 PM, Sargeant, Kathryn <sargeant.kathryn@epa.gov> wrote:

Chris,

Not Responsive; Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Grundler, Christopher
Sent: Mon 9/25/2017 9:06:38 PM
Subject: Fwd: Follow-up/Gliders

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 25, 2017 at 4:03:45 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: Follow-up/Gliders

Hi Ryan (and Mandy)–

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

To: Moulis, Charles[moulis.charles@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Kataoka, Mark
Sent: Mon 9/25/2017 5:08:32 PM
Subject: RE: Phase 2 Authority Discussions

Thanks – **Ex. 5 - Attorney Client**

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Moulis, Charles
Sent: September 25, 2017 10:49 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Phase 2 Authority Discussions

FYI – **Ex. 5 - Attorney Client**
Enjoy.

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 9/25/2017 4:04:27 PM
Subject: Fwd: Follow-up/Gliders

Pls clarify for sarah as appropriate

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 25, 2017 at 12:01:43 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Sarah: I've now had a chance to meet with my folks and OGC. We are pulling together the

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Stewart, Gwen
Location: DCRoomARN6524/DC-OAR-OTAQ-IO - By Telephone: Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy
Importance: Normal
Subject: Glider Meeting
Start Date/Time: Mon 9/25/2017 2:15:00 PM
End Date/Time: Mon 9/25/2017 2:45:00 PM

Pls schedule Glider discussion with Bill Karl and Ben for 10:15 today. C174

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

To: Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Olechiw, Michael[olechiw.michael@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]
From: Sargeant, Kathryn
Sent: Mon 9/11/2017 8:00:45 PM
Subject: RE: Next steps with team formation and team kick-off meeting for the Not Responsive glider reconsideration rule

Please also include David Choi and Megan Beardsley for the core team list, and the upcoming appt. I think they fell off Bill's notes.

From: Charmley, William
Sent: Monday, September 11, 2017 12:57 PM
To: Moulis, Charles <moulis.charles@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>
Subject: Next steps with team formation and team kick-off meeting for the Not Responsive glider reconsideration rule

Chuck –

As a follow-up to our discussion, below is the list of staff for the Not Responsive glider reconsideration rule team.

- Chuck Moulis, team leader
- Christy Parsons, co-team leader
- Cay Yanca – coach for Christy, co-team leader support role
- George Mitchell
- Jessica Brakora
- Ken Davidson

- Jean-Marie Revelt
- Todd Sherwood
- Molly Zawacki

Once you hear back from Angela that she has spoken with Todd Sherwood, we agreed that you will set up the team meetings, and for the first meeting you will invite both Kathryn and myself. I would like to come for the first 5-10 minutes of the first team meeting to thank everyone, provide some context, and answer any questions.

Thanks

Bill

To: Charmley, William[charmley.william@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Storhok, Ines[storhok.ines@epa.gov]; Samulski, Michael[samulski.michael@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]
From: Sargeant, Kathryn
Sent: Fri 9/8/2017 8:10:21 PM
Subject: RE: Monthly Mgmt w/ Bill Ex. 6 - Personal Privacy -discussion today: Heavy-duty trailer and glider rule

Thanks, Bill. I have already talked to Jean Marie, and she is on board.

Both David Choi and Megan Beardsley would like to be on the core team, representing AQMC.

Marion has spoken to Cay, Christy, Ken, and Molly, and she can report out on that when you stop by on Monday.

From: Charmley, William
Sent: Friday, September 08, 2017 4:06 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Storhok, Ines <storhok.ines@epa.gov>; Samulski, Michael <samulski.michael@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>
Subject: RE: Monthly Mgmt w/ Bill Ex. 6 - Personal Privacy -discussion today: Heavy-duty trailer and glider rule

Dear all –

As a follow-up to this past Tuesday's discussion, here are my notes on who we are considering asking to be the foundation of the heavy-duty trailer & glider reconsideration rulemaking team;

- Chuck Moulis, team leader
- Christy Parsons, co-team leader
- Cay Yanca – coach for Christy, co-team leader in support role
- George Mitchell

- Jessica Brakora
- Ken Davidson
- Jean-Marie Revelt
- Todd Sherwood
- Representative of AQMC

We said that these people would be asked to be part of the core-team. Mike O. – please note Todd's name. When you and I caught up in D.C. on Thursday on this subject, I didn't have my notes with me, and I incorrectly told you that no one in the Light-duty Center was going to be part of the core-team. I was clearly wrong, so please let us know if this will be a problem for Todd from a work-load perspective.

As far as next steps, I know that Marion was going to talk with Christy and Cay – maybe that has already happened. I said I would talk with Chuck – I will do that on Monday.

Once that happens I would like to meet with Chuck/Cay/Christy and let them know who they will be working with. Kathryn will need to talk with Jean-Marie and Ken Davidson and will need to identify the AQMC person. Mike O. will need to talk with Todd, and then I think we can have Christy/Cay/Chuck have a team kick-off meeting.

I'll stop by the Monday morning managers meeting to check in on this plan with everyone.

Thanks

Bill

From: Charmley, William
Sent: Tuesday, September 05, 2017 12:46 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Storhok, Ines <storhok.ines@epa.gov>; Samulski, Michael <samulski.michael@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Matthew Spears (spears.matthew@epa.gov) <spears.matthew@epa.gov>
Subject: Monthly Mgmt w/ Bill **Ex. 6 - Personal Privacy** discussion today: Heavy-duty trailer and glider rule

Dear all –

I would like to keep our meeting today at 3pm.

Ex. 5 - Deliberative Process

Also attached is a DRAFT briefing for Chris Grundler on this topic – please try to review this material before our 3pm meeting.

What I would like to discuss at our 3-4pm meeting today is the staffing of this new rulemaking team, and team leadership.

I am assuming that some of the staffing for this rule will come from the Heavy-duty and On-road and Nonroad Center. I have included the ASD org. chart from the spring. With Matt and Prashanth's departure from federal service, the staff in the HD center are;

Jessica Brakora

Chris Laroo

Chi Li

George Mitchell

Chuck Moulis

Houshun Zhang

Note that Houshun is currently doing a detail on CD which I believe will end in Q1 of 2018.

This project will not be able to wait until we have a new, permanent Center Director for the Center – so I will need all of your help in getting a new team staffed and off the ground.

Thanks

Bill

To: Charmley, William[charmley.william@epa.gov]
From: Paul Miller
Sent: Fri 1/5/2018 7:25:53 PM
Subject: FYI: NESCAUM comments on proposed repeal of glider emission requirements
nescaum-comments-proposed-glider-kit-repeal-20180105.pdf

Hi Bill,

FYI, attached are NESCAUM's comments submitted to the docket just now. -Paul

To: Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Haugen, David[haugen.david@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Fri 1/5/2018 5:46:35 PM
Subject: Fwd: Auto Alliance Comments on EPA Glider NPRM AS SUBMITTED TODAY to Regulations.gov (ID: EPA-HQ-OAR-2014-0827-2368)
image003.jpg
ATT00001.htm
EPA Glider NPRM Auto Alliance Comments 1-05-18.pdf
ATT00002.htm

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: Susan Conti <sconti@autoalliance.org>
Date: January 5, 2018 at 12:21:41 PM EST
To: "grundler.christopher@epa.gov" <grundler.christopher@epa.gov>, "macallister.julia@epa.gov" <macallister.julia@epa.gov>
Cc: Chris Nevers <CNevers@autoalliance.org>, Michael Hartrick <MHartrick@autoalliance.org>, "Catherine M. Wilmarth" <CWilmarth@autoalliance.org>
Subject: Auto Alliance Comments on EPA Glider NPRM AS SUBMITTED TODAY to Regulations.gov (ID: EPA-HQ-OAR-2014-0827-2368)

Chris and Julia:

See the attached final signed version of the comments submitted today to the docket by the Auto Alliance. Thank you.

Susan Conti

Susan T. Conti

Assistant General Counsel

P: 202-326-5512 | M: 202-997-0105 | EM: sconti@autoalliance.org

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Nancy Kruger
Sent: Fri 1/5/2018 4:48:42 PM
Subject: NACAA's Final Comments on EPA's NPRM to Repeal the Glider Requirements of the Phase 2 Truck Rule
NACAA_Comments_on_EPA_Gliders_NPRM-010518.pdf

Bill, Kathryn, Cay and Christy,

Attached are NACAA's written comments on the glider NPRM. I've also submitted these to the docket.

Thanks for your work on this issue.

-Nancy

Nancy Kruger

Deputy Director

National Association of Clean Air Agencies

444 North Capitol Street, NW

Suite 307

Washington, DC 20001

tel: (202) 624-7864

fax: (202) 624-7863

nkruger@4cleanair.org

www.4cleanair.org

To: Charmley, William[charmley.william@epa.gov]
From: Greenhaus, Doug
Sent: Thur 12/7/2017 5:22:36 PM
Subject: EPA Glider Kit FAQ - DRAFT November 2016.pdf
EPA Glider Kit FAQ - DRAFT November 2016.pdf

Good chatting with you the other day, per usual.

Was this ever finalized?

To: Charmley, William[charmley.william@epa.gov]
From: Schenk, Charles
Sent: Wed 12/6/2017 11:48:40 AM
Subject: RE: Thank you for the EPA glider testing program

Bill,

While I did discuss the results in the hallway with some of the team members, I did not meaningfully contribute to this project. As such my contributions pale in comparison to those who did successfully complete the project and who deserve the full accolades.

Thanks,

Chuck

From: Charmley, William
Sent: Tuesday, December 05, 2017 1:21 PM
To: Peralta, Maria <Peralta.Maria@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Schenk, Charles <schenk.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Haugen, David <haugen.david@epa.gov>
Subject: Thank you for the EPA glider testing program

Dear Maria, Scott, Robert, Garrett, Connie, James, George, Chris, Chuck, Chuck, Christy and Angela:

I wanted to thank each of you for the great technical work you all preformed in the past few months to acquire, test, document, and report-out on the emissions performance of highway

heavy-duty glider tractors.

Ex. 5 - Deliberative Process

Yesterday I was in Washington to participate in EPA's public hearing on the recent glider proposal. During the 6+ hours of testimony, we heard from more than 60 stakeholders on this important subject. We heard from a very wide range of people, including truck dealerships, trucking fleet associations, truck OEMs, glider manufactures, state and local air quality agencies, private citizens, public health and environmental organizations, and heavy-duty technology suppliers. Many of the testifiers specially referenced in their testimony that data that EPA's National Vehicle and Fuel Emissions laboratory generated this Fall from the testing of the two glider tractors.

This is exactly the kind of work that the public expects from OTAQ – unbiased high caliber technical assessments.

Thank you again for this work.

Bill

To: Charmley, William[charmley.william@epa.gov]
From: Haugen, David
Sent: Tue 12/5/2017 7:09:41 PM
Subject: RE: Thank you for the EPA glider testing program

Thanks for the note, Bill.

I talked briefly this morning with Brian N, and he said yesterday was a very satisfying experience.

Again, I appreciate your sending this to the whole team.

David

From: Charmley, William
Sent: Tuesday, December 05, 2017 1:21 PM
To: Peralta, Maria <Peralta.Maria@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Schenk, Charles <schenk.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Haugen, David <haugen.david@epa.gov>
Subject: Thank you for the EPA glider testing program

Dear Maria, Scott, Robert, Garrett, Connie, James, George, Chris, Chuck, Chuck, Christy and Angela:

I wanted to thank each of you for the great technical work you all preformed in the past few months to acquire, test, document, and report-out on the emissions performance of highway heavy-duty glider tractors.

Ex. 5 - Deliberative Process

Yesterday I was in Washington to participate in EPA's public hearing on the recent glider proposal. During the 6+ hours of testimony, we heard from more than 60 stakeholders on this important subject. We heard from a very wide range of people, including truck dealerships, trucking fleet associations, truck OEMs, glider manufactures, state and local air quality agencies, private citizens, public health and environmental organizations, and heavy-duty technology suppliers. Many of the testifiers specially referenced in their testimony that data that EPA's National Vehicle and Fuel Emissions laboratory generated this Fall from the testing of the two glider tractors.

This is exactly the kind of work that the public expects from OTAQ – unbiased high caliber technical assessments.

Thank you again for this work.

Bill

To: Nancy Kruger[nkruger@4cleanair.org]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
From: Hearing Registration-ASD
Sent: Tue 12/5/2017 3:30:48 PM
Subject: RE: NACAA testimony on EPA glider NPRM (12/4/17)

Hi Nancy,

Thank you very much for providing NACAA's testimony from the hearing on Dec. 4, 2017. We will add your statement to the docket for the proposed rule, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits".

Thank you again for your participation in this important event.

Best,

Christy

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: 734.214.4243

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does

construe it otherwise, please notify me immediately so that proper contract action can be initiated.

From: Nancy Kruger [mailto:nkruger@4cleanair.org]
Sent: Monday, December 04, 2017 5:39 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: NACAA testimony on EPA glider NPRM (12/4/17)

All,

Attached is NACAA's written testimony, which was summarized by Miles Keogh at this morning's hearing on the glider NPRM. Please let me know if I should submit this to anyone else.

Thanks,

-Nancy

Nancy Kruger

Deputy Director

National Association of Clean Air Agencies

444 North Capitol Street, NW

Suite 307

Washington, DC 20001

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January 5, 2018

U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
EPA Docket Center
Attention: Docket ID No. EPA-HQ-OAR-2014-0827
William Jefferson Clinton West Building
1301 Constitution Avenue, NW
Room 3334
Washington, DC

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) appreciates this opportunity to comment on the U.S. Environmental Protection Agency's (EPA) Notice of Proposed Rulemaking (NPRM), *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits,* as published in the *Federal Register* on November 16, 2017 (82 Fed. Reg. 53,422). NACAA is the national, non-partisan, non-profit association of 156 local and state air pollution control agencies in 41 states, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

As primary implementers of the Clean Air Act, states and localities have the statutory responsibility for "air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source." [1] To carry out this responsibility, our member agencies must, among other important obligations, establish and implement strategies to attain and maintain health- and welfare-based National Ambient Air Quality Standards (NAAQS).

Among other issues, in its NPRM, EPA seeks comment on:

- the emission impacts of repealing the glider requirements versus leaving them in place (including consideration of the emission profile of glider vehicles versus the older vehicles they would replace),
- raising the annual cap on the number of gliders allowed under the existing requirements,
- delaying the compliance date of the existing requirements and
- its authority to regulate gliders.

[1] Clean Air Act §101(a)(3)

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EPA requests "comment on the relative expected emissions impacts if the regulatory requirements at issue here were to be repealed or were to be left in place."[2]

The emission standards and other requirements applicable to heavy -duty gliders included in the final Phase 2 truck rule close a "loophole" for glider vehicles and glider kits beginning in January 2018. This loophole allows used diesel engines, with no limit on age, to be installed into new glider kits without meeting the current engine standards. Closing this loophole will prevent hundreds of thousands of tons of nitrogen oxides (NO_x) and diesel particulate matter (PM) from being emitted into the air each year, the latter of which EPA has recognized as a toxic air contaminant. The proposed rule would allow that loophole to remain open and result in increased air pollution in every part of the country.

According to EPA data from a July 2016 sensitivity analysis of glider impacts, because the current emission standa rds for NO_x and PM are at least 90 percent lower than the most stringent previous standards, NO_x and PM emissions from any glider vehicle equipped with a pre -2007 engine are at least 10 times higher than emissions from any equivalent vehicle that is produc ed with a brand new engine. The agency has noted, however, that most gliders now being produced use engines originally manufactured before 2002, with neither exhaust gas recirculation nor exhaust aftertreatment, and, therefore, with NO_x and PM emissions 20 to 40 times higher than current engines, and even greater if the engine is miscalibrated or malmaintained. These adverse emission impacts are further exacerbated by increasing sales of glider vehicles, which have been estimated to have grown by an order of magnitude since the 2004 -to-2006 timeframe, from a few hundred such vehicles a year to an estimated 10,000 or more per year in 2016.[3] Further, the results of recent testing by EPA released on November 20, 2017 not only underscore the emission impacts estimated by the agency in 2016, but also show that glider emissions could be even greater than estimated last year.[4]

Based on the July 2016 sensitivity analysis, assuming glider vehicle production does not exceed 10,000 per year, EPA has also estimated that, as promulgated, the glider provisions of the Phase 2 rule will yield, in 2025, NO_x reductions of over 190,000 tons per year (tpy) and PM reductions of over 5,000 tpy.[5] In 2040, this benefit is expected to increase to over 318,000 tpy of NO_x reductions and 8,500 tpy of PM reductions.[6] To put the magnitude of these annual emission projections into perspective, Volkswagen's use of "defeat devices" on certain diesel-fueled light-duty vehicles – an action that resulted in a $14.7-billion settlement agreement – is estimated to have caused approximately 37,000 tons of excess NO_x emissions during the period between 2008 and 2015.

Particularly with respect to NO_x, these are very substantial reductions and ones upon which many state and local air agencies in every part of the nation are now relying to help fulfill their clean air obligations – not only for the ozone and PM NAAQS, but also for toxic air pollution and regional haze. In its August 2016 *Response to Comments* on the final Phase 2 rule EPA estimates that the NO_x and PM emission reductions associated with the applicability of the regulatory requirements to MY 2017 glider

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[2] EPA NPRM, Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, p. 53,447 (November 16, 2017)

[3] EPA and NHTSA's Response to Comments for Joint Rulemaking, pp. 1960-1961 (August 2016)

[4] EPA's Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles (November 20, 2017)

[5] EPA and NHTSA's Response to Comments for Joint Rulemaking, p. 1962, Table A-1 (August 2016)

[6] EPA and NHTSA's Response to Comments for Joint Rulemaking, p. 1962, Table A-1 (August 2016)

vehicles would prevent between 350 and 1,600 premature deaths over the lifetime of those vehicles.[7] If the regulatory requirements that will result in these reductions are repealed, those emissions will be allowed to go into the air to the detriment of clean air and public health across America.

Every single state in the country will benefit environmentally and from a public health perspective from the emission reductions to result from the glider requirements in the Phase 2 rule. Every single state in the country will accrue more polluting emiss ions if these requirements are repealed. Those seeking to reduce emissions in order to fulfill their statutory obligations to attain and maintain the NAAQS, or to remain in good stead, may be forced to seek reductions elsewhere.

EPA acknowledges in the N PRM that states will be required to make up for the lost reductions when it explains how the NPRM comports with various relevant Executive Orders, in this case E.O. 13045 on the Protection of Children from Environmental Health Risks and Safety Risks: "Area s that need to reduce criteria air pollution to meet the NAAQS will still need to rely on control strategies to reduce emissions. To the extent that states use other mechanisms in order to comply with the NAAQS, and still achieve the criteria pollutant re ductions that would have occurred under the [glider provisions of the Phase 2 rule], this proposed rescission will not have a disproportionate adverse effect on children's health."[8]

For agencies seeking to reduce criteria pollutant emissions for purpose s of fulfilling a statutory obligation to attain and maintain the NAAQS, f oregoing reductions from one source category may mean seeking reductions from another. Reducing emissions from mobile sources – particularly those, like gliders, that are uncontrolled or under-controlled – offers the most cost-effective opportunities for NO_x and PM reductions. The glider requirements promulgated in the Phase 2 rule would not only eliminate substantial emissions of NO_x and PM, they would do so very cost effectively . If these requirements are repealed or amended, i t will be difficult for those states seeking reductions to cost-effectively compensate for the magnitude of the emissions that will occur and could po tentially mean more regulation and higher costs for stationary sources, possibly power plants, manufacturing facilities and small businesses, among others.

To put this in perspective, for a glider equipped with a compliant engine the cost per ton of NO_x removed is approximately $670, based on heavy heavy -duty engine control technology required to meet MY 2012 and later standards. By comparison, the cost of various emission control technologies currently being, or already, implemented in various parts of the country is considerably higher – for industrial, commercial and institutional boilers, the cost effectiveness of low -NO_x burners is $750 to $7,500 per ton of NO_x, of selective non-catalytic reduction $1,300 to $3,700 per ton and of selective catalytic reduction (SCR) $2,000 to $14,000 per ton; for SCR for combustion turbines, $2,010 to $19,120 per ton; for Tier 2 light -duty vehicle emission and gasoline sulfur standards, $2,100 per ton; and for 10 -parts-per-million sulfur gasoline, $4,500 per ton.[9]

In some cases, though, there are no alternatives for making up those lost reductions at any cost, either because there are no industries to regulate or because even if every stationary source in an area

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[7] EPA and NHTSA's *Response to Comments for Joint Rulemaking*, p. 1965 (August 2016)

[8] EPA NPRM, *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*, p. 53,448 (November 16, 2017)

[9] Figures provided by the Northeast States for Coordinated Air Use Management, from or based on EPA Regulatory Impact Analyses and other data

were controlled down to zero emissions there would still be a need to reduce mobile source emissions in the area in order to attain and maintain the NAAQS.

In addition, over the past decade, the U.S. Congress has appropriated hundreds of millions of dollars under the Diesel Emissions Reduction Act (DERA) to fund projects to reduce diesel exhaust from older engines. Further, states across the country have put their own funds toward DERA projects under a voluntary matching program. EPA has estimated that the DERA program is responsible for total lifetime emission reductions of 335,200 tons of NO_x and 14,700 tons of PM. A repeal of the glider requirements would result in NO_x and PM emissions that would eclipse the reductions achieved to date under the DERA program and undo millions of dollars of protections that come from federal and state investments.

NACAA would also like to offer some technical observations regarding the glider emissions testing conducted by Tennessee Technological University (TTU) from September to November 2016 and summarized in a June 15, 2017 letter that accompanied the *Petition for Reconsideration of Application of the Final Rule Entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 Final Rule" to Gliders*, submitted by Fitzgerald Glider Kits, LLC, Harrison Truck Centers, Inc. and Indiana Phoenix, Inc. to EPA Administrator Scott Pruitt on July 10, 2017.[10] On November 7, 2017, staff of EPA's Office of Transportation and Air Quality held a teleconference with representatives of TTU to discuss the testing methodology, facilities and equipment used to generate the glider data provided in the June 15, 2017 TTU letter. EPA staff subsequently prepared a memorandum, dated November 13, 2017, documenting that teleconference and entered the memorandum into the EPA docket.[11]

NACAA members have reviewed these technical documents and drawn the following conclusions. In general, TTU's testing lacked the rigor of testing conducted for purposes of certification and did not comport with valid heavy-duty diesel emissions testing. In particular, TTU did not use a chassis dynamometer of the sort used for emissions or certification testing. Instead, it used an eddy current absorber type dynamometer typically used by repair shops for repair and maintenance diagnostic testing. This type of dynamometer cannot capture all operations of a vehicle. Based on EPA's memorandum, it appears that TTU did not use an accepted test procedure that relates to certification standards.

The drive cycle and test procedure followed were unique to TTU rather than known procedures, such as those specified by the Society of Automotive Engineers or the International Standards Organization or used by EPA. The procedure operated only in a steady state, with no transient testing, and did not simulate all real-world driving conditions such as hills, coasting and wind resistance. There was no cold-start testing and no standard repeatable cycle and no conventional road-load coefficients were used. Significantly, no individual tests were repeated. Although TTU reported that all the vehicles tested met the PM standard,[12] TTU did not collect any PM samples. Instead, TTU relied on visual inspection of a sample probe filter used with a handheld combustion analyzer – intended for diagnostic use by repair shops – and reported that no PM was detected.

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[10] *Petition for Reconsideration of Application of the Final Rule Entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 Rule" to Gliders* (July 10, 2017)

[11] EPA memorandum, *EPA Tennessee Tech Glider Emissions Testing Discussion 11072017* (November 13, 2017)

[12] *Petition for Reconsideration of Application of the Final Rule Entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 Rule" to Gliders*, p. 9 (July 10, 2017)

EPA also conducted glider testing, which took place in October and November 2017, and summarized the results in a November 20, 2017 report, *Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles*, which was entered into the EPA docket.[13] In its report, EPA described, in detail, all parameters of its comprehensive testing and documented its rigorous quality assurance and quality control. With respect to PM, EPA measured emissions in triplicate to provide replicate samples for analysis and stated in its report that "[t]he glider vehicles emitted significantly more particulate matter than the typical heavy-duty diesel vehicles tested in the laboratory. Therefore, using our typical dilution rates and filter face velocity settings, the filters were overloaded with particulate matter during our initial testing with Glider #1. This caused a PM equipment alarm during phase 2 of the Super Cycle and therefore phases 3 and 4 were not sampled."[14]

Under highway cruise conditions, EPA found NO_x emissions from the two gliders tested to be approximately 43 times as high, and PM emissions approximately 55 times as high, as those of the conventionally manufactured model year 2014 and 2015 tractors that underwent equivalent testing. Under transient operations, absolute NO_x and PM emissions were higher for both gliders tested on all duty cycles. On a relative basis, the gliders' NO_x emissions were four to five times higher than the conventionally manufactured tractors and the PM emissions were 50 to 450 times higher.[15] These results are reasonable given the increasingly more stringent engine standards that have evolved through three federal heavy-duty diesel rulemakings – in 2004, 2007 and 2010.

In its NPRM, EPA also seeks comment on "whether, if the Agency were to determine not to adopt the interpretation of CAA sections 202(a)(1) and 216(3) being proposed here, EPA should nevertheless revise the 'interim provisions' of [the] Phase 2 rule, 40 CFR 1037.150(t)(1)(ii), to increase the exemption available for small manufacturers above the current limit of 300 glider vehicles per year." EPA further seeks comment on "whether, if the Agency were to determine not to adopt the statutory interpretation being proposed here, EPA should nevertheless extend by some period of time the date for compliance for glider vehicles, glider engines, and glider kits set for in 40 CFR 1037.635."[16] NACAA notes that any increase above the 300-gliders-per-year allowance provided for in the Phase 2 rule, or any delay in implementation of the glider requirements, will result in an increase in NO_x that, for the reasons stated above, many states and localities can ill afford. We are concerned about the adverse public health impacts that would occur, and the depleted ability of areas to attain and maintain the NAAQS, if the annual cap on gliders is increased or the date of compliance with the promulgated glider requirements is extended.

Finally, these NACAA comments do not offer information on whether EPA has legal authority under the Clean Air Act to regulate glider vehicles, glider engines or glider kits. However, if EPA's legal authority does not extend to the regulation of glider vehicles, glider engines and glider kits, then state and local agencies are not preempted from regulating them and may do so. Given the magnitude of emissions at stake states and localities may avail themselves of this authority if the federal glider requirements are repealed, potentially resulting in dozens, if not hundreds, of individual and varied state and local requirements.

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[13] EPA's *HD Chassis Glider Final Report 11292917* (November 20, 2017)
[14] EPA's *HD Chassis Glider Final Report 11292917*, p. 14 (November 20, 2017)
[15] EPA's *HD Chassis Glider Final Report 11292917*, p. 3 (November 20, 2017)
[16] EPA NPRM, *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*, p. 53,447 (November 16, 2017)

Once again, NACAA appreciates the opportunity to provide comments on this NPRM. If you have any questions, please do not hesitate to contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,

Steven E. Flint
New York
Co-Chair
NACAA Mobile Sources and Fuels Committee

Erik C. White
Placer County, CA
Co-Chair
NACAA Mobile Sources and Fuels Committee

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From: Regulations.gov [mailto:no-reply@regulations.gov]
Sent: Friday, January 05, 2018 12:06 PM
To: Susan Conti <sconti@autoalliance.org>
Subject: Your Comment Submitted on Regulations.gov (ID: EPA-HQ-OAR-2014-0827-2368)

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Agency: Environmental Protection Agency (EPA)
Document Type: Rulemaking
Title: Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits
Document ID: EPA-HQ-OAR-2014-0827-2368

Comment:
RE: Docket ID No. EPA-HQ-OAR-2014-0827; comments submitted electronically at [URL REMOVED]

The Alliance of Automobile Manufacturers (Auto Alliance) hereby submits comments opposing the proposed "Repeal of

Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" published on November 16, 2017.

The Auto Alliance is the leading advocacy group for the auto industry, representing 70% of all car and light truck sales in the United States. Its members include the BMW Group, Fiat Chrysler Automobiles, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America and Volvo Car USA.

See the attached file for more detailed comments. Thank you for the opportunity to comment on this proposal.

Susan Conti
Assistant General Counsel

Uploaded File(s):

- EPA Glider NPRM Auto Alliance Comments 1-05-18.pdf

For further information about the Regulations.gov commenting process, please visit https://www.regulations.gov/faqs.

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AUTO ALLIANCE
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January 5, 2018

Julia MacAllister
Office of Transportation and Air Quality
Assessment and Standards Division
U.S. Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105

RE: Docket ID No. EPA-HQ-OAR-2014-0827; comments submitted electronically at http://www.regulations.gov

Dear Ms. MacAllister:

The Alliance of Automobile Manufacturers (Auto Alliance) hereby submits comments opposing the proposed "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" published on November 16, 2017.[1] The Auto Alliance is the leading advocacy group for the auto industry, representing 70% of all car and light truck sales in the United States. Its members include the BMW Group, Fiat Chrysler Automobiles, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America and Volvo Car USA.[2]

For many of the same reasons set forth in comments submitted by the Truck and Engine Manufacturers Association (EMA), the Auto Alliance believes that EPA's proposed "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" is based on an incorrect interpretation of the Clean Air Act (CAA). The Auto Alliance's members are subject to EPA's extensive regulations with respect to light-duty vehicle greenhouse gas (GHG) standards and light-duty vehicle criteria pollutant emissions promulgated under Title II of the CAA. These regulations are based on CAA language authorizing EPA to regulate "new motor vehicles" and "new motor vehicle engines."

Under the Proposed Repeal, EPA seeks to change its interpretation of those terms in a way that could have a profound effect on the competitive landscape for new vehicles and engines—leaving some heavily regulated while eliminating the regulatory burdens on others. Thus, Auto Alliance members have a strong interest in the Proposed Repeal.

EPA's proposed reinterpretation is contrary to the plain meaning of the CAA definitions of "new motor vehicles" and "new motor vehicle engines" under Section 216(3).[3] If finalized, this interpretation would remove EPA's authority under CAA section 202(a)(1) to regulate GHG emissions from glider

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1 82 Fed. Reg. 53,442 (Nov. 16, 2017).
2 For more information, go to www.autoalliance.org.
3 42 U.S.C. § 7550(3).

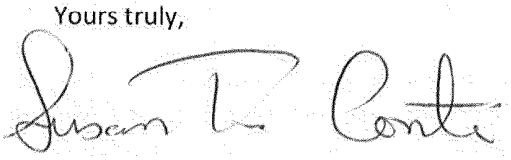
vehicles, glider engines, and glider kits as new motor vehicles or new motor vehicle engines. One glaring (and perhaps unintended) result of the Proposed Repeal is that any auto or engine manufacturer (or its customer) could circumvent EPA's GHG regulation of new motor vehicles and new motor vehicle engines merely by incorporating a few used components into their finished products.

On its face, the Proposed Repeal would remove certain heavy-duty vehicles and engines from the scope of GHG regulations. However, the re-interpretation of the CAA underlying the Proposed Repeal is not restricted to that specific scenario. The same rationale potentially could be used, for example, to conclude that light-duty glider-type vehicles are no longer subject to GHG emission regulations, regulatory warranty protection provided to consumers, or even that they are no longer subject to criteria pollutant emissions regulations. Vehicle manufacturers or builders of "kit vehicles" could attempt to avoid compliance with emission standards in their entirety by incorporating used powertrain components into their vehicles. A circumvention of criteria pollutant standards in this way would adversely affect public health and run contrary to other EPA efforts to promote low on-road emissions. Moreover, it would punish true OEMs by creating a pathway for the production and sale of competitor vehicles that are marketed as new at a much lower cost,[4] yet are not actually new. This result would be contrary to the plain language and purpose of the CAA, and would be detrimental to consumers, manufacturers and air quality.

Rather than broadly reinterpreting the CAA in a way that would affect sectors well beyond manufacturers of glider vehicles, engines and kits, EPA could consider the narrowly tailored alternatives it raises in its own proposal of November 16, 2017 under the section – "Issues for Which EPA Seeks Comment" at 82 Fed. Reg. 53,446-53,447. For example, the Auto Alliance would be open to a proposal for a reasonable increase in the number or type of gliders that can be built by small volume manufacturers subject to an exemption. We do not seek to oppose regulatory reforms that reduce burdens while maintaining the integrity of existing programs. For the reasons stated above, however, the Auto Alliance agrees with EMA that EPA's Proposed Repeal is not appropriate because the underlying rationale is misguided, and the integrity of existing programs would not be maintained.

The Auto Alliance appreciates the opportunity to comment on this proposal. Please contact me at 202-326-5512 or sconti@autoalliance.org if you have any questions regarding these comments and concerns. Thank you.

Yours truly,



Susan T. Conti
Assistant General Counsel

Cc: Chris Nevers, VP, Energy & Environment
Chris Grundler, Director, OTAQ

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[4] Lower costs could be achieved through utilizing used parts and avoiding state-of-the-art emissions control components and the attendant cost of development, testing, certification, defect reporting, and warranty.

Motor & Equipment Manufacturers Association (MEMA)

Response to the

U.S. Environmental Protection Agency

RE: Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits; Proposed Rule

Docket Nos. EPA–HQ–OAR–2014–0827; FRL–9970–61–OAR

January 5, 2018

Introduction

The Motor & Equipment Manufacturers Association (MEMA) submits these comments to the U.S. Environmental Protect Agency (EPA) on the "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits" proposed on November 16, 2017.[1] For the reasons outlined below, MEMA supports the compromise for heavy-duty glider vehicles, glider engines, and glider kits included in the October 2016 final rule titled "Greenhouse Gas (GHG) Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, Phase 2"[2] (Phase 2). Therefore, MEMA opposes EPA's proposed repeal on GHG emissions and criteria pollutant requirements for all glider vehicles, glider engines and glider kits under the Phase 2 final rule.

MEMA represents more than 1,000 motor vehicle suppliers that manufacture and remanufacture components and systems for use in passenger cars and heavy trucks.[3] The motor vehicle components manufacturing industry is the nation's largest sector of manufacturing jobs – employing over 871,000 workers in all 50 states – and contributes nearly $435 billion in U.S. GDP. Our members support a cleaner, safer world and are committed to developing and manufacturing a multitude of technologies and a wide-range of products, components and systems that reduce emissions and make vehicles safer and more efficient.

MEMA represents heavy-duty vehicle suppliers through the Heavy Duty Manufacturers Association (HDMA). The HDMA member companies make up about 60 percent of the U.S. market for heavy-duty commercial vehicle components. Heavy-duty suppliers provide original equipment

[1] 82 Fed Reg at 53442

[2] 81 Fed Reg at 73478

[3] MEMA represents the full spectrum of vehicle suppliers through the following four divisions: Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), Motor & Equipment Remanufacturers Association (MERA) and Original Equipment Suppliers Association (OESA).

EPA-HQ-2018-002121 Production Set #3

parts, systems and materials used to manufacture new commercial vehicles and related equipment as well as aftermarket replacement parts needed to repair and maintain in-service vehicles. Heavy-duty suppliers directly employ approximately 171,000 jobs in the U.S.[4]

Additionally, MEMA represents motor vehicle equipment remanufacturers and their suppliers. The MERA member network of remanufacturers, suppliers, and professional services firms operates in the automotive, heavy-duty and off-road sectors and promotes the environmental, economic and product performance benefits of remanufactured goods. Remanufacturers support at least 180,000 full time jobs in the U.S.[5]

MEMA Supports Policy Promoting the Remanufacturing Industry

As discussed in MEMA's comments on the 2015 Notice of Proposed Rulemaking (NPRM) for Phase 2,[6] MEMA supports environmental policies that drive innovation, and, as a result, supports policies that promote remanufacturing and the remanufacturing industry. Remanufacturing is a standardized industrial process by which previously sold, worn or nonfunctional products are returned to same-as-new, or better, condition and performance. The process is in line with specific technical specifications, including engineering, quality and testing standards to yield fully warranted products.

Remanufactured parts are given an extended life, cost less to produce and purchase, and minimize the impact on the environment by not ending up in the waste stream. Remanufacturing preserves some of the value of the original manufacturing that recycling alone cannot do – including energy costs, investment in capital, and labor inputs. This process saves about 85 percent of the energy and material used to manufacture similar new products. The motor vehicle remanufacturing industry demonstrates a commitment to sustainability through product innovation and the incorporation of more environmentally-friendly manufacturing practices.

In addition to remanufactured engines, other examples of remanufactured components include: transmissions, alternators, starters, turbochargers, steering and suspension components, and electronic control modules.

The U.S. Congress recognized the importance and value of remanufactured parts and components as exemplified by the 2015 Federal Vehicle Repair Cost Savings Act[7] which requires federal agencies to encourage the use of remanufactured parts when maintaining federal vehicle fleets.

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[4] "Driving the Future: The Employment and Economic Impact of the Vehicle Supplier Industry in the U.S." Available here: https://www.mema.org/sites/default/files/MEMA_ImpactBook.pdf, MEMA, January 2017.

[5] "Remanufactured Goods: An Overview of the U.S. and Global Industries, Markets, and Trade" Report, U.S. International Trade Commission (ITC), Investigation No. 332-525, USITC Publication 4356, Oct. 2012.

[6] Docket No.: EPA-HQ-OAR-2014-0827-1274

[7] Public Law 114-65

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EPA-HQ-2018-002121 Production Set #3

MEMA Supports the Phase 2 Final Rule

Motor vehicle suppliers play a key role in driving technology advancements needed to improve vehicle fuel efficiency and reduce emissions by investing, developing and deploying an array of innovative materials and technology solutions. These solutions are critical to the strategies of medium- and heavy-duty vehicle (MHDV) manufacturers in meeting the targets of the GHG emissions and vehicle efficiency standards. MEMA supports environmental policies that drive innovation in emissions-reducing technology.

As a result, MEMA supports the forward progress for vehicle and engine performance standards provided by the 2016 Phase 2 regulation published by the EPA and the National Highway Traffic Safety Administration (NHTSA). The Phase 2 program provides critical regulatory stability for the industry to make long-term investment decisions. The compromise on glider kits contained in the 2016 Phase 2 rule is a part of this necessary stability.

When the MHDV Phase 1 rule was promulgated, the suppliers invested a significant amount of resources to develop and provide a range of cost-effective technologies to help customers meet the standards set in the rule. The Phase 2 rule followed the pathway cleared by the Phase 1 framework, providing suppliers with longer-term standards over multiple model years. Suppliers and vehicle manufacturers alike rely on planning certainty to make necessary, important business decisions. This is especially critical for suppliers which, in many cases, are the primary innovators, validators and producers of advanced components and systems technologies. The continued slope of the standards set in Phase 2 will ensure that the U.S. continues to be a technological leader in GHG emissions in the global vehicle industry.

In the November NPRM, EPA's new proposed interpretation of the Clean Air Act explains that glider vehicles would not constitute "new motor vehicles" within the meaning of the CAA section 216(3). Therefore, glider kits would not be treated as new motor vehicles and EPA would not have authority to regulate glider vehicles, glider engines and glider kits under CAA section 202(a)(1).[8] EPA's proposal would repeal the emission requirements for glider vehicles, glider engines, and glider kits clarified in the Phase 2 rule. MEMA urges EPA not to make changes to the Phase 2 rule, including the proposal to revoke GHG emissions standards and criteria pollutants for all glider vehicles, glider engines and glider kits. An elimination of emissions requirements on an unlimited amount of glider vehicles would place many businesses, including large fleet owners, emissions technology suppliers and truck manufacturers, at a competitive disadvantage because they have made investments in technologies to meet the standards.

[8] 82 Fed Reg at 53443

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EPA-HQ-2018-002121 Production Set #3

MEMA Supports the Compromise Included in Phase 2 on Glider Vehicles

MEMA supports the reduction of potential objectionable uses of glider vehicles to circumvent the emissions standards. As a result, MEMA supports the compromise provisions for glider vehicles and remanufactured engines outlined in the Phase 2 final rule. In the final rule, EPA allows for an exception for small businesses to produce a limited amount of glider vehicles without meeting either the engine or vehicle standards of the long-term program of no more than 300 per year per company. Any additional gliders produced by these small businesses would be required to meet the standards. Other exceptions include that model year and later 2010 engines are not required to meet Phase 1 GHG engine standards. Further, remanufactured engines may be installed in the glider vehicles without meeting standards for the year of glider vehicle assembly, provided the engines are within their regulatory useful life.[9]

MEMA supports these Phase 2 compromise provisions because it recognizes the value, purpose and legitimate uses of remanufactured engines in glider vehicles. The compromise provisions carefully balance the need of small businesses while allowing a level playing field for an industry that has invested heavily in meeting these important emissions standards. The Phase 2 compromise provisions provide regulatory certainty for suppliers of original equipment, aftermarket, and remanufactured components. Therefore, MEMA opposes EPA's proposal to revoke GHG emissions and criteria pollutant requirements for all glider vehicles, glider engines and glider kits under the Phase 2 final rule.

Conclusion

For these reasons, MEMA urges the agency to not repeal the emission requirements for glider vehicles, glider engines, and glider kits. The interconnectedness of the industry drives the need for the Phase 2 final rule to stay intact with consistent, long-term policies, regulations and standards that allow all stakeholders to more effectively incorporate technologies into the nation's fleet. We look forward to working with the agency and other stakeholders as the second phase of the standards proceeds. Please contact Laurie Holmes, senior director of environmental policy, with any questions at lholmes@mema.org.

[9] 81 Fed Reg at 73942

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NESCAUM
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Northeast States for Coordinated Air Use Management
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Arthur N. Marin, Executive Director

January 5, 2018

Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Attention: Docket I.D. # EPA-HQ-OAR-2014-0827

Re: *Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*

Dear Administrator Pruitt:

The Northeast States for Coordinated Air Use Management (NESCAUM[1]) offer the following comments on the U.S. Environmental Protection Agency"s (EPA"s) proposed *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits* published on November 16, 2017 (82 Fed. Reg. 53442-53449). NESCAUM and our member states strongly oppose the proposed rulemaking because of the very serious harm to air quality and public health that will occur in our region if the glider kit loophole is re-opened. At its core, the proposed repeal is inconsistent with the Clean Air Act"s primary purpose "to protect and enhance the quality of the Nation"s air resources so as to promote the public health and welfare."[2] We are further troubled by EPA"s apparently uncritical acceptance of a deeply flawed technical study provided by glider vehicle manufacturers, and by its revised legal justification. There is no need to re-open this loophole, and the technical and legal arguments to support the proposed repeal fail to withstand scrutiny.

In its 2016 Phase 2 rulemaking, EPA correctly recognized that while gliders have a legitimate use in those rare cases where a powertrain can be salvaged from a wrecked vehicle, they have increasingly been marketed and sold to new truck buyers as a way to avoid nitrogen oxides (NOx) and particulate matter (PM) control requirements. We agree with EPA"s original analysis, which found that these trucks constitute an unacceptably large source of excess NOx and PM emissions that have significant adverse impacts on air quality and public health.

The proposed repeal of emission requirements for gliders would substantially worsen air quality in the Northeast. Using EPA"s own earlier projections,[3] we estimate the excess NOx emissions in

[1] NESCAUM is the regional association of state air pollution control agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.
[2] 42 C.F.R. §7401(b)(1) (1990).
[3] US EPA. *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2: Response to Comments for Joint Rulemaking*, EPA-420-R-16-901 (Aug. 2016) (*see* Appendix A to Section 14, p. 1962).

NESCAUM Members:
Connecticut Bureau of Air Management, Anne Gobin
Maine Bureau of Air Quality Control, Marc Cone
Massachusetts Bureau of Air and Waste, Christine Kirby
New Hampshire Air Resources Division, Craig Wright
New Jersey Division of Air Quality, Francis Steitz
New York Division of Air Resources, Steve Flint
Rhode Island Office of Air Resources, Laurie Grandchamp
Vermont Air Quality & Climate Division, Heidi Hales

2040 from these uncontrolled gliders would be almost 30 times higher than the 2015 emissions from all noncompliant Volkswagen cars,[4] and would be comparable to the entire 2018 NOx budget for fossil fuel power plants in the 22 states covered by the Cross-State Air Pollution Rule Update[5] (Table 1).

Table 1. Glider Vehicle NOx in Context

VW NOx Excess[4] (tons per year in 2015)	**CSAPR Update Power Plant NOx Cap[5]** (tons per ozone season starting 2018)	**Fleetwide Glider Vehicle NOx above Control Levels[3]** (tons per year in 2040)
11,200	313,626	318,615

It is not difficult to see why these impacts are so large. The effectiveness of advanced emission controls for NOx and PM has been exhaustively demonstrated.[6] Recent additional testing by both EPA[7] and the California Air Resources Board (CARB)[8] continues to demonstrate that trucks equipped with diesel particulate filters (DPFs) and selective catalytic reduction (SCR) systems emit far less pollution than glider trucks without this equipment.

Notably, there is no evidence that actually contradicts this basic fact in the technical study attached to the July 10, 2017 reconsideration petition from glider vehicle manufacturers and performed by researchers at Tennessee Tech. The information contained in the Tennessee Tech study provides no support for the notion that vehicles fitted with pre-2002 engines emit less NOx and PM pollution than vehicles with engines complying with the 2007/2010 standards. For PM emissions, the table of results from the Tennessee Tech study shown in Appendix A of the glider manufacturers" reconsideration petition indicates that PM emissions were "Below Threshold Detection Point" for all of the engines, without specifying what the detection limit is. Based on EPA"s summary of its follow-up teleconference meeting with the Tennessee Tech researchers,[9]

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[4] Based on NOx estimate in: S.R.H. Barrett *et al.*, Impact of the Volkswagen emissions control defeat device on US public health, *Envtl. Res. Lett.* **10** (2015) doi:10.1088/1748-9326/10/11/114005.

[5] 81 Fed. Reg. 74504-74650 (Oct. 26, 2016), Table 1.B-1.

[6] *See, e.g.,* US EPA 2001. *United States Environmental Protection Agency Air and Radiation EPA420-R-00-026 December 2000 Regulatory Impact Analysis: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*; California Air Resources Board 2001. *Staff Report: Initial Statement of Reasons Public Hearing to Consider Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines*.

[7] US EPA National Vehicle & Fuel Emissions Laboratory, *Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles,* November 20, 2017. (https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417).

[8] California Air Resources Board, *Real-World Heavy-Duty Diesel Truck Emissions from Gliders in California,* December 27, 2017.

[9] US EPA Memorandum: *Teleconference with Tennessee Tech University Regarding Glider Test Report Summarized in June 2017 Letter; Tennessee Tech University – Summary of Heavy Duty Truck Study and Evaluation*

the researchers acknowledged that they did not actually measure PM emissions beyond visual inspection of the sample probe. This is clearly an inadequate basis to draw any quantitative conclusion about relative PM emission impacts. Yet in their "Summary Chart of Phase 1 Test Results," the researchers state that for PM, "All vehicles met the standard." We urge EPA to explicitly clarify for the record the basis of the study"s assertions, and to clearly indicate that it provides no evidence to support the suggestion that diesel engines with uncontrolled exhaust are as low-emitting in PM emissions as engines with modern emission controls.

Regarding NOx emissions, very little information is provided in the study as to the specific emissions output from each engine, their age, or condition of repair. We note, however, that the engine cited as having the lowest NOx output is a Detroit Diesel DD15, a modern engine first introduced in 2008 and designed to incorporate advanced emission controls for both PM and NOx. This engine is not at all typical for glider kit vehicles, which primarily use older, pre-2002 engines that lack DPF and SCR controls. As with our comment on the study"s PM assertions, we urge EPA to clearly document for the record the lack of support the study provides for making any inference on the relative NOx emissions performance of glider kit engines relative to new engines equipped with modern NOx controls.

Continuing Air Quality Problems in the Northeast

The NESCAUM region, home to over 42 million people, is subject to episodes of poor air quality resulting from ground-level ozone and fine particle pollution. During severe events, the scale of the problem can extend beyond NESCAUM"s borders and include over 200,000 square miles across the eastern United States. Local and regional sources as well as air pollution transported hundreds of miles from distant sources outside the region contribute to elevated ozone and fine particle concentrations in the region.

NOx emissions contribute to a number of adverse public health and environmental outcomes. NOx is the most egregious contributor to regional ozone concentrations and an important precursor to fine particulate matter formation. These two pollutants are responsible for tens of thousands of premature deaths, hospital admissions, and lost work and school days in the U.S. annually. NOx is also a key factor in a number of environmental problems that affect the Northeast. Table 2 summarizes the major adverse impacts of NOx emissions in the NESCAUM region.

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of the Phase II Heavy Duty Truck Rule, November 13, 2017 (https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2416).

Table 2. Adverse Public Health and Environmental Impacts of NOx in the Northeast

Ozone and PM2.5	• Reduces lung function, aggravates asthma and other chronic lung diseases • Can cause permanent lung damage from repeated exposures • Contributes to premature death
Acid Deposition	• Damages forests • Damages aquatic ecosystems, e.g., Adirondacks and Great Northern Woods • Erodes manmade structures
Coastal Marine Eutrophication	• Depletes oxygen in the water, which suffocates fish and other aquatic life in bays and estuaries, e.g., Chesapeake Bay, Narragansett Bay, and Long Island Sound
Visibility Impairment	• Contributes to regional haze that mars vistas and views in urban and wilderness areas

Based on recent historical monitoring data, large parts of the Northeast region violate the recently strengthened 0.070 ppm 8-hour average ozone national ambient air quality standard (NAAQS). In addition, the CT-NJ-NY region continues to violate the older 0.075 ppm ozone NAAQS. The EPA"s failure to meet statutory deadlines in designating nonattainment areas under the Clean Air Act and its persistent failure to fully address interstate ozone transport have been detrimental to the states" interests in protecting public health. The EPA now proposes to re-open a large loophole that will greatly increase NOx emissions from highway trucks, the largest source sector of NOx emissions in the northeast region.[10] Should this repeal be finalized, the states will be burdened in offsetting these excess emissions, and at potentially much higher costs, for decades to come.

Our states have long supported and relied upon strong – and smart – federal regulation to ensure that harmful air emissions are gradually reduced over time. Within this cooperative framework, the federal highway diesel engine rule is vital to our states" efforts to attain and maintain air quality standards. It was developed with comprehensive stakeholder input, and informed by rigorous technical analysis. It has put the states on a path to much cleaner air.

Another result is that U.S. companies are thriving as they have become leaders in many of the advanced emission reducing technologies that will continue to be in demand around the world for years to come. The proposed preferential exemption for glider engines and vehicles from these long-established modern emission standards puts these companies at a competitive disadvantage, thus undercutting businesses employing hundreds of thousands of workers across the U.S. Furthermore, the proposed rulemaking portends a „race to the bottom" if more truck manufacturers are drawn into glider production, leading to even greater harmful impacts to air quality and public health.

[10] Based on 2011 and projected 2018 NOx emission inventories developed by the Ozone Transport Commission/MANE-VU.

EPA-HQ-2018-002121 Production Set #3

There is no way to understand the dramatic increase in sales of glider kits with old, dirty engines except as a concerted effort to circumvent critical public health protections. Exempting glider vehicles from modern emissions standards exposes the nation"s citizens to elevated emissions of harmful pollutants, and it unfairly penalizes the many businesses in our states and across the country that operate in compliance with modern emission standards. We urge EPA to withdraw this proposed rule.

Sincerely,

Arthur N. Marin
Executive Director

cc: NESCAUM Directors
Bill Wehrum, EPA OAR
Chris Grundler, EPA OTAQ
David Conroy, EPA R1
Richard Ruvo, EPA R2

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Comment on EPA Proposed Glider Vehicles Rule, Docket ID EPA-HQ-OAR-2014-0827, submitted January 5, 2018

<u>Appendix A:</u> Numerous Freight Truck Industry Leaders Have Publicly Opposed the Unfair Competition and Pollution that Would Be Allowed by a Glider Kit Loophole

Name/Link	Summary of Position	p.n. in RtC
Volvo[i]	**Unfair Competition:** "The availability of these vehicles [gliders] is creating an unlevel playing field for manufacturers of new vehicles designed and certified to be compliant to all current emissions, fuel efficiency, and safety regulations." **Size of Market:** ""Gliders as a whole represent over 10,000 units annually" **Gliders should be considered new vehicles:** Volvo includes an advertisement from a glider manufacturer that advertises gliders as new. **Sub-300 cap:** "We further encourage EPA to reduce or, at a minimum maintain, the 300 unit production cap in the final action by the Agencies"	1865-69
Clarke[ii]	**Used engines:** "This commenter recommends that used engines be eliminated as an option when assembling gliders. A rebuilt engine that has been brought back to the original MY EPA emission standard is always a cleaner option than a used engine installed in a Glider chassis." **Sub-300 cap: "**For example each small trucking company's exemption could be the lesser of the average number of Gliders built annually over the past 3 years or 150 units/year.**"** **Establishing base years:** "Instead of using production years 2010-2012 to establish peak levels use production years 2015-2016." **Gliders and vocational gliders each have 300 cap:** "The maximum cap with Gliders and Vocational Gliders would be 600/year."	1825-27
Cummins[iii]	**Limits on glider kits:** "Cummins supports limitations on the use of glider kits" **Appropriate use of glider kits:** "[G]lider kits should not be used to circumvent the purchase of a currently certified engine and aftertreatment system"	1830
GATR Truck Center[iv]	**Unfair competition:** "Dealers such as ours have been subject to a growing unfair competition from this rapidly expanding market of non-compliant vehicles." "We strongly object to such an unfair disruption of market competition." **Support for regulation**: "GATR Truck Center strongly supports the Agencies' proposal to impose new requirements on companies	1846

	assembling and offering for sale vehicles produced by installing used driveline components into new glider kits."	
Navistar[v]	**Support for regulation: "**Navistar supports the portion of the NPRM that addresses gliders. Further, Navistar suggests that the allowance is too high, and that gliders should either be limited to 200 per year or eliminated completely." **Unfair competition**: "the prevalence of gliders, addressed in the NPRM, is one example how these pressures can lead to distortions in the market for vehicles."	1855
Nuss Truck & Equipment[vi]	**Support for regulation: "**strongly supports the Agencies' proposal to impose new requirements on companies assembling and offering for sale vehicles produced by installing used driveline components into new glider kits. NHTSA should also enforce the existing regulations that require manufacturers of glider-based vehicles to comply with all applicable safety standards." **Unfair competition:** "Dealers such as ours have been subject to a growing unfair competition from this rapidly expanding market of non-compliant vehicles." **Inappropriate use of gliders**: "The original intent of selling gilder kits has moved from a rebuilding mechanism to now mainly evading diesel emissions EPA mandates" **Health and Emission:** "The rapidly expanding glider-based vehicle market is seriously undermining the significant gains EPA, NHTSA, and the heavy-duty vehicle industry have made to reduce criteria and greenhouse gas emissions, reduce fuel consumption, and improve roadway safety"	1857
PACCAR[vii]	**Support the 300 cap**: "If the implementation is set at January 1, 2018 as proposed in the NPRM, then EPA should allow all small businesses, as defined by federal regulations, to assemble a minimum of 50 gliders per year as exempt from the engine / vehicle model year requirements, regardless of the emission standard of the engine, and up to their maximum sales in 2013 or 2014, or 300."	1858
Truck Country of Wisconsin[viii]	**Emissions:** "We agree with EPA's assessment that most gliders manufactured today use remanufactured model year 2001 or older engines. Typically these engines have NOx and particulate matter (PM) emissions 20 to 40 times higher than today's clean diesel engines. **Inappropriate use: "**Since 2010 when EPAs current NOx and PM standards for heavy duty engines took effect, glider sales have increased nearly 10-fold as compared to the 2004-2006 ~ time frame. We agree with EPA that this increase reflects an attempt to avoid using engines that comply with EPAs 2010 standards, and is an attempt to circumvent the Clean Air Act's purpose to protect human health and the environment."	p1864

Worldwide Equipment Enterprises, Inc.[ix]	**Support for regulations:** "Worldwide Equipment strongly supports the Agencies' proposal to impose new requirements on companies assembling and offering for sale vehicles produced by installing used driveline components into new glider kits." **Unfair Competition:** "Dealers such as ours have been subject to a growing unfair competition from this rapidly expanding market of non-compliant vehicles" **Unfair taxes for gliders:** "In addition to not having to follow the environmental regulations that legitimate dealers like Worldwide have to follow, the manufacturers of glider-based vehicles, in many cases, are not collecting the 12% federal excise tax ("FET") that normally applies to new vehicle sales, giving customers even further financial incentive to purchase glider vehicles rather than fully compliant new vehicles." **Health and Emissions: "**the rapidly expanding glider-based vehicle market is seriously undermining the significant gains EPA, NHTSA, and the heavy-duty vehicle industry have made to reduce criteria and greenhouse gas emissions, reduce fuel consumption, and improve roadway safety"	p1873

[i] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1966.
[ii] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1005.
[iii] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1298.
[iv] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1010.
[v] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1919.
[vi] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-0922.
[vii] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1204.
[viii] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1468.
[ix] https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-0948.

Comment on EPA Proposed Glider Vehicles Rule, Docket ID EPA-HQ-OAR-2014-0827, submitted January 5, 2018

Appendix B

Potential Emission and Health Impacts of Glider Kits

EPA is proposing to allow glider kits to be sold without meeting the emission standards currently applicable to new heavy-duty engines. Glider kits are new heavy-duty diesel vehicles equipped with rebuilt older engines. EPA testing of glider kits shows that their emissions are more than an order of magnitude higher than those of other new vehicles with engines meeting current standards.[1] In its Phase 2 medium- and heavy-duty truck rule, EPA projected the excess emissions and increased health impacts should glider sales remain at the current estimated sales level of 10,000 units per year. This report extends EPA's analysis by considering the impact of even greater annual sales of glider kits to 30,000 and 50,000 units per year. In the 2016 Phase 2 final rule, EPA acknowledged that glider vehicle sales could be greater than the 10,000 unit estimate,[2] and several stakeholders who testified at EPA's December 4, 2016 hearing indicated that if the glider provisions were repealed, sales would be much higher.[3] In fact, several truck dealers and truck repair facilities testified that gliders sales could reach 25 to 30% of annual truck sales or up to 60,000 units.[4]

[1] Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, November 20, 2017, National Vehicle & Fuel Emissions Laboratory, U.S. Environmental Protection Agency, Ann Arbor, Michigan.
[2] 81 Fed. Reg. at 73,943; HDP2 RTC pg. 1960.
[3] Testimony of John C. Doub, TMI Truck and Equipment, Docket ID No. EPA-HQ-OAR-2014-0827-4285 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285 ("If [EPA repeals the glider provisions], our lost sales to Glider Kits each Month could grow from the 10% it is today to what could be 30+%.").
[4] See id. See also Testimony of Michael P. McMahon, McMahon Truck Centers, Docket ID No. EPA-HQ-OAR-2014-0827-4300 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4300 ("We estimate losing approximately 25% of our annual New Truck retail volume to Glider Kits.").

Table 1 shows historic and projected future sales under EPA's 2016 estimate and two scenarios reflecting higher sales of glider kits.

Table 1: Glider Sales			
Calendar Year	EPA Projection	Scenario 1	Scenario 2
2009 and earlier	500	500	500
2010	1250	1250	1250
2011	2000	2000	2000
2012	2750	2750	2750
2013	3500	3500	3500
2014	4250	4250	4250
2015	10000	10000	10000
2016	10000	15000	15000
2017	10000	20000	20000
2018	10000	23100	25000
2019	10000	26500	30000
2020	10000	28400	35000
2021	10000	29700	40000
2022	10000	30000	45000
2023 and beyond	10000	30000	50000

As can be seen from Table 1, EPA's projection reaches 10,000 units in 2015 and remains constant thereafter. This scenario implicitly assumes that granting the petition to allow unabated glider kit sales will not result in higher sales of glider kits than has already occurred. The two other sales scenarios shown in Table 1 assume that allowing unregulated glider kit sales will result in greater sales. Scenario 1 projects that sales increase to 30,000 units by 2022. Scenario 2 projects that sales increase to 50,000 units by 2023.

EPA made two kinds of emission estimates that would result from their projection of increased glider sales. The first estimated incremental emissions over the life of a glider vehicle relative to those of a vehicle powered by an engine meeting current emission standards. The second estimated the total emissions from glider kit vehicles in 2025 and 2040 if they were unregulated and if their sales were limited to roughly 1000 units per year. All types of emissions from glider vehicles increase relative to vehicles equipped with new engines: hydrocarbons (HC), carbon monoxide (CO), nitrogen oxide (NOx), and particulate matter (PM). This analysis will focus on NOx and PM emissions, as these are the most serious from a health and welfare point of view.

Table 2 shows the vehicle lifetime NOx and PM emissions from 2017 glider vehicles and vehicles with new engines.

Table 2: EPA Projections of Excess Emissions from Glider Vehicle Sales		
	NOx	PM
Lifetime Emissions (U.S. tons per 1000 vehicles)		
Glider Vehicles	43,800	710
Vehicles equipped with New Engines	2,300	30
Difference	41,500	680

As can be seen in Table 2, lifetime NOx and PM emissions from glider vehicles ae roughly 20 times those of vehicles with new engines. Since these emission estimates pertain to a specific number of vehicle sales, they apply regardless of whether glider kit sales reach 10,000 units per year or 30,000-50,000 units per year.

Table 3 shows the impact of limiting unregulated glider vehicle sales to 1,000 units per year.

Table 3: Nationwide Emissions From Glider Vehicles with and without Control (U.S. tons per year)		
2025	NOx	PM
Without Controls	295,000	7,800
With Controls	104,800	2,750
Difference	190,200	5,050
2040		
Without Controls	371,100	9,960
With Controls	52,600	1,410
Difference	318,600	8,550

As can be seen, regulation reduces the NOx and PM emissions impact of glider vehicles by roughly 65% in 2025 and roughly 85% in 2040.

The emissions of a specified set of vehicles in a calendar year has traditionally been estimated by determining the number of vehicles on the road, their annual mileage, and the emission rate per mile (the emission factor). More recent and advanced models, like EPA's MOVES model, estimates emissions based on specific vehicle operating conditions, such as acceleration rate.

The number of vehicles on the road is estimated from the number of new vehicles sold in each of the current and previous 29 model years coupled with estimates of the scrappage rate of these vehicles by age. Annual mileage is also a function of age, being highest when the vehicles are newer and decreasing with age. The emission factor is affected by a wide range of factors, ranging from ambient conditions, the vehicle's driving cycle, vehicle age, and others. For the purposes of this analysis, the two more aggressive glider vehicle sales scenarios primarily affect the first factor listed above: the number of glider vehicles on the road. Mileage per year is affected to a small degree, since the average age of glider vehicles changes slightly under the

three scenarios. The two more aggressive sales scenarios increase glider sales in the later years more than earlier years, so the average age of glider vehicles decreases and the average mileage of glider vehicles in any specific calendar year increases. Emissions from glider vehicles at any of the operating conditions modeled in MOVES are not affected.

In MOVES, the simplest factor to reproduce outside of the model is the vehicle scrappage rate. MOVES uses the same scrappage rate by age for all heavy-duty vehicles (Table 7-2).[5] We obtained the annual vehicle miles travelled for heavy-duty vehicles by age and the fraction of heavy-duty vehicles still on the road by age (Table 7-2) used in MOVES. EPA stated that their glider kit sales projection would result in 128,750 glider vehicles being on the road in 2025. When we combine the scrappage fractions in MOVES with the glider kit sales shown in Table 1, the result is 127,828 vehicles being on the road in 2025, which is within 1% of the MOVES-based estimate. This is strong confirmation that we have the appropriate rate of scrappage for glider vehicles.

A very good first order estimate of the impact of higher glider vehicle sales on emissions results from estimating the number of glider vehicles on the road in 2025 and 2040 under the three sales scenarios and scaling the EPA emission impacts accordingly. These would be conservative estimates, however. As mentioned above, the average age of glider vehicles decreases slightly under the two more aggressive sales projections, increasing average mileage per year and thus, emissions.

In order to include the impact of higher annual mileage, we estimated the degree to which annual mileage changes with age. This relative change in annual mileage with age is coupled with the distribution of glider vehicles on the road in 2025 and 2040 to estimate the degree to which the more aggressive projections of glider vehicle sales increases total glider vehicle emissions in these years. Implicit in this methodology is the assumption that glider vehicle emissions are not affected by vehicle age. Vehicular emissions often increase with age due to inadequate maintenance and deterioration in the efficiency of emission control equipment. However, deterioration in emissions from heavy-duty diesel vehicle is very low, especially from vehicles without aftertreatment equipment, which is the case for glider vehicles. Thus, the assumption of similar emission rates over the slight differences in vehicle age seen here is reasonable.

MOVES uses discrete estimates of annual vehicle miles travelled by age for seven different categories of heavy-duty vehicles. However, EPA stated in their glider analysis that they assumed that glider vehicles were used in tractor-trailers. Two of the seven heavy-duty vehicle categories apply to tractor trailers: short-haul combination (tractor-trailer) trucks and long-haul combination trucks. In MOVES, the annual mileage of new vehicles ranges from 61,000 for short-haul combination trucks to 117,000 for long-haul combination trucks. From the MOVES input files published with the consideration of this petition, EPA spread glider kit sales across short and long-haul combination trucks according to their presence in the on-road fleet. From Table 17-1 of the above cited MOVES population and activity report, long-haul combination

[5] "Population and Activity for On-Road Vehicles in MOVES2014," Assessment and Standards Division, Office of Transportation Air Quality, U.S. EPA, EPA-420-R-20-16-003, January 2016.

trucks represent 56.4% and 56.5% of all combination trucks on the road in 2025 and 2040, respectively. (Short haul combination trucks therefore represent 43.6% and 43.5% of all combination trucks on the road in 2025 and 2040, respectively.)

We then proceeded to estimate total glider vehicle mileage in the on-road fleet in 2025 and 2040 for the three glider vehicle sales projections shown in Table 1. Glider vehicle sales were taken from Table 1. (For example, for the 2025 analysis, this meant glider vehicle sales from 2025 back to 1995.) Vehicle scrappage by age was taken from Table 7-2 of the MOVES population and activity report. Vehicle mileage by age was a weighted average of the mileages by age for short- and long-haul combination trucks shown in Tables 7-5 and 7-7 of the MOVES population and activity report. The number of glider vehicles estimated to be on the road and their mileage under the three sales projections are shown in Table 4.

Table 4: Relative Emission Impacts of Uncontrolled Glider Kit Emissions			
	EPA Sales	Sales Scenario 1	Sales Scenario 2
	2025		
Vehicle on the road	127,828	288,790	385,728
Ratio to EPA Sales	---	2.3	3.0
Million Vehicle Miles Travelled	9,311	22,968	31,710
Ratio to EPA Sales		2.5	3.4
	2040		
Vehicle on the road	259,178	702,381	1,085,628
Ratio to EPA Sales	---	2.7	4.2
Million Vehicle Miles Travelled	12,688	37,071	60,257
Ratio to EPA Sales		2.9	4.7

As can be seen, the impact of the more aggressive glider vehicle sales scenarios has a growing impact on the number of glider vehicles on the road over time. In 2025, the number of glider vehicles on the road are 2.3-3.0 times that under the EPA sales scenarios. Note that these factors are well below the ratios of ultimate maximum sales of glider vehicles in these two scenarios of 3 and 5, respectively, because the maximum sales of glider vehicles has only been occurring for 2-3 years. The impact of more aggressive glider vehicle sales grows further by 2040, to factors of 2.7-4.2 over that of the EPA sales scenario. It will take another 10 years for the full impact of the maximum projected glider vehicle sales to be fully felt in the on-road fleet.

As also shown in Table 4, the impact of increased glider vehicle sales on vehicle miles travelled is slightly larger than on sales due to the higher mileage of new vehicles. However, the ratio of vehicle miles travelled under the two more aggressive glider kit sales scenarios are still below the long-term sales ratios of 3-5.

Table 5 shows total NOx and PM emissions from uncontrolled glider vehicles in 2025 and 2040 under the three sales scenarios. Emissions for the two more aggressive glider vehicle sales scenarios are simply those under the EPA scenario multiplied by the ratios of vehicle miles travelled, shown in Table 4. Table 5 also shows emissions should these glider vehicles be controlled starting in 2018. In this latter case, the emission levels are nearly the same under all three scenarios, as EPA's controls would limit glider vehicle sales to roughly 1,000 vehicles per year. However, in 2015-17, glider vehicle sales are higher under the more aggressive sales scenarios than under EPA's sales projection. Thus, we again estimated the relative level of total vehicle miles travelled by glider vehicles in 2025 and 2040 using the sales up to 2017 from Table 1 and then limited sales to 1,000 per year thereafter. We found that vehicle miles travelled under the two more aggressive sales scenarios were 30% higher than under EPA's scenario in 2025 and 22% higher in 2040. We adjusted EPA's emission projections for controlled glider vehicles accordingly.

Table 5: Glider Vehicle Emission Impacts Under Three Sales Scenarios						
	EPA Sales		Sales Scenario 1		Sales Scenario 2	
2025	NOx	PM	NOx	PM	NOx	PM
Without Controls	295,000	7800	727,723	19,241	1,004,698	26,565
With Controls	104,800	2750	131,766	3,458	131,766	3,458
Difference	190,200	5050	595,957	15,784	872,933	23,107
2040						
Without Controls	371,100	9960	1,078,731	28,952	1,745,242	46,841
With Controls	52,600	1410	64,406	1,726	64,406	1,726
Difference	318,600	8550	1,014,325	27,226	1,680,836	45,114

As can be seen in Table 5, the benefits of glider vehicle control increase 3.1-4.6 times under the more aggressive sales scenarios in 2025. In 2040, the benefits of control increase 3.2-5.3 times under the more aggressive sales scenarios.

Moving to health effects and monetized health benefits, EPA estimated the monetized health benefits and reduction in premature mortality associated with the control of glider vehicle emissions. EPA specifically estimated these benefits over the lifetime of 1000 2017 glider vehicles. EPA found that controlling the emissions of these vehicles would reduce 70-160 premature deaths and generate $0.3-1.1 billion worth of health benefits. (Health benefits are valued in $2013. The range shown includes two distinct methodologies, as well as two societal discount rates (3% per year and 7% per year)). EPA notes that these estimates do not include all of the health-related benefits associated with glider vehicle control. EPA points out that the regulation of glider vehicles would reduce sales by 5000-10,000 units per year and produce health benefits having a value of $1.5-11 billion ($2013).

EPA's estimates were based on a relationship between annual emissions from 17 distinct emission sources and PM-related health impacts (and their monetary benefits).[6] These relationships were developed using a three-step process (cited directly from the EPA report):

1) Use source apportionment photochemical modeling to predict ambient concentrations of primary PM2.5, nitrate and sulfate attributable to each of 17 emission sectors across the Continental U.S. (On-road emission sources are one of the 17 sectors addressing by the modeling);
2) For each sector, estimate the health impacts, and the economic value of these impacts, associated with the attributable ambient concentrations of primary PM2.5, sulfate and nitrate PM2.5 using the environmental Benefits Mapping and Analysis Program (BenMAP v4.0.66);
3) For each sector, divide the PM2.5-related health impacts attributable to each type of PM2.5, and the monetary value of these impacts, by the level of associated precursor emissions. That is, primary PM2.5 benefits are divided by direct PM2.5 emissions, sulfate benefits are divided by SO2 emissions, and nitrate benefits are divided by NOx emissions.

This modeling tool was developed for use in support of various regulatory actions being considered or taken by EPA. It provides mid-range health effects and benefits, as opposed to worse-case estimates (e.g., 90th or 95th percentile effects).

As part of this health assessment, EPA found that glider vehicle controls would reduce 70-160 premature deaths per 1000 glider vehicles. This represents a reduction of 350-1600 premature deaths across the 5000-10000 glider vehicle sales projected to be affected by regulatory controls per year. Put another way, EPA's proposal would result in the death of one person in the U.S. for every 10 glider vehicles sold (over the lifetime of their use). Also, as mentioned above, EPA only presented two of the many health effects generated from the national regulatory assessment tool. Table 6 presents the complete set of health effects generated by this tool. Again, this is not a complete list of the known health effects of PM and NOx emissions, nor does it include any health effects of other pollutants which differ with the sale of uncontrolled of glider vehicles. As can be seen, many of these health effects occur at significant levels. Finally, EPA presented only the monetized health impact of the increase in PM emissions.

[6] Technical Support Document, "Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors," U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, January 2013.

Table 6 shows the monetized health costs of the increase in both PM and NOx emissions. This basically doubles the health costs of allowing glider vehicles to go unregulated.

Table 6: Lifetime Health Impacts From 1000 2017 Glider vehicle Sales: EPA Methodology	
Emissions (U.S. tons): NOx	41,500
PM	680
Monetized Health Costs ($2013 billion)	0.6-1.3
Premature Mortality[7]	68-156
Morbidity	
Respiratory emergency room visits	39
Acute bronchitis	107
Lower respiratory symptoms	1373
Upper respiratory symptoms	2005
Minor Restricted Activity Days	54625
Work loss days	9196
Asthma exacerbation	4942
Cardiovascular hospital admissions	26
Respiratory hospital admissions	21
Non-fatal heart attacks (Peters)	82
Non-fatal heart attacks (All others)	9

Table 7 shows the results of extending this methodology to the impact of controlling glider vehicle sales in calendar year 2025 under the EPA and more aggressive sales scenarios. (The EPA report presented the value of health effects in 2010 dollars. We converted $2010 to $2013 using a conversion factor of 0.9467, which was taken from EPA's costing methodology for its recent Final Determination on the appropriateness of the 2022-2025 light-duty greenhouse gas emission standards.) Benefits are presented for the reductions in both NOx and PM emissions. We only present such estimates for the 2025 calendar year. It should be noted that these 2025 estimates represent the impact of not regulating 2018 and later glider vehicle sales through 2025 emissions and their related health effects. They do not include the impact of the use of these glider vehicles over their entire vehicle life. EPA presented the emission impacts of glider vehicles on emissions in 2040, as shown in Table 5 above. However, the health effects tool only includes health effect factors through calendar year 2030. We did not project health impacts for 2030, as EPA did not present emission impacts for this year, which we would have used for the basis of our estimates of the emission impacts for the two more aggressive glider vehicle sales scenarios.

[7] Note that EPA found slightly higher levels of premature mortality of 70-160 deaths. It is not clear whether this is due to simple round off, or a slight difference in methodology. In any event, the similarity of these projections indicates a high degree of similarity in methodology between EPA's and that used here.

Table 7: Health Benefits and Health Improvements From Glider Vehicle Controls in 2025: EPA Methodology			
Glider Vehicle Sales Scenario	EPA	Scenario 1	Scenario 2
Emission Reductions due to Controls: NOx	190,200	596,497	873,960
(U.S. tons per year) PM	5,050	15,798	23,134
Monetized NOx+PM Benefits ($2013 billion)	3.2-8.0	10.0-24.9	14.6-36.5
Premature Mortality	396-914	1240-2862	1816-4162
Morbidity			
Respiratory emergency room visits	228	715	1,047
Acute bronchitis	630	1,973	2,889
Lower respiratory symptoms	8,070	25,271	37,015
Upper respiratory symptoms	11,700	36,643	53,672
Minor Restricted Activity Days	321,892	1,008,045	1,476,488
Work loss days	54,134	169,528	248,309
Asthma exacerbation	29,028	90,906	133,151
Cardiovascular hospital admissions	151	471	690
Respiratory hospital admissions	124	388	569
Non-fatal heart attacks (Peters)	477	1,493	2,187
Non-fatal heart attacks (All others)	52	162	237

As can be seen, all the projected health impacts increase dramatically compared to the impact of simply selling 1000 uncontrolled glider vehicles. Under EPA's sales projections, the partial set of health benefits are valued at $3.2-8.0 billion per year in 2025. It is important to note that the on-road heavy-duty diesel fleet has not even reached equilibrium with respect to the peak sales of 10,000 glider kits, as these sales just reached 10,000 units in 2015. Glider vehicles will continue to increase as a fraction of the on-road fleet for another 20 years. Under the two more aggressive sales scenarios, the health benefits of control increase even further to at least $10 billion to nearly $40 billion per year.

The same trends are seen in the reduction of premature deaths. With peak sales of 10,000 units, premature deaths range from 400-900, but increase to 1200-4200 with peak sales of 30,000-50,000 units. Again, in all these cases, the on-road fleet in 2025 is far from its equilibrium point with respect to the emissions and health impact of glider vehicles.

Another similar tool, which has been developed for screening the impact of changes in emissions on health effects is an EPA model referred as COBRA.[8] COBRA was developed specifically for use in local and state assessments of energy and environmental programs. The steps used in its development are very similar to those listed above for the regulatory impact analysis tool used by EPA. One advantage of COBRA over the modeling tool used by EPA in its glider vehicle

[8] User's Manual for the Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA), Version: 3.0, U.S. EPA, September 2017.

analysis is that on-road mobile sources are broken down into several finer categories, including heavy-duty diesel vehicles.

Table 8 presents the estimated health impacts of the increases in emissions that could occur should glider vehicles go unregulated. As can be seen from a comparison of the figures in Table 7 and Table 8, the projected health impacts are very similar and substantial. EPA should complete even more sophisticated atmospheric and health effects modeling to elucidate the full extent of harm associated with the agency's Proposed Rule, but these results indicate that the proposal is flawed, will result in substantial harm, and should be abandoned.

Table 8: Health Benefits and Health Improvements From Glider Vehicle Controls in 2025: EPA COBRA Model			
Glider Kit Sales Scenario	EPA	Scenario 1	Scenario 2
Emission Reductions due to Controls: NOx	190,200	596,497	873,960
(U.S. tons per year) PM	5,050	15,798	23,134
Monetized NOx+PM Benefits ($2013 billion)	3.5-7.8	9.7-24.6	14.2-36.0
Premature Mortality	386-874	1210-2740	1771-4012
Morbidity			
Respiratory emergency room visits	210	659	964
Acute bronchitis	588	1,845	2,703
Lower respiratory symptoms	7,500	23,515	34,443
Upper respiratory symptoms	10,711	33,563	49,138
Minor Restricted Activity Days	293,263	919,127	1,345,794
Work loss days	49,595	155,422	227,556
Asthma exacerbation	11,050	34,627	50,697
Cardiovascular hospital admissions	138	433	634
Respiratory hospital admissions	114	356	521
Non-fatal heart attacks	47-441	149-1382	218-2025

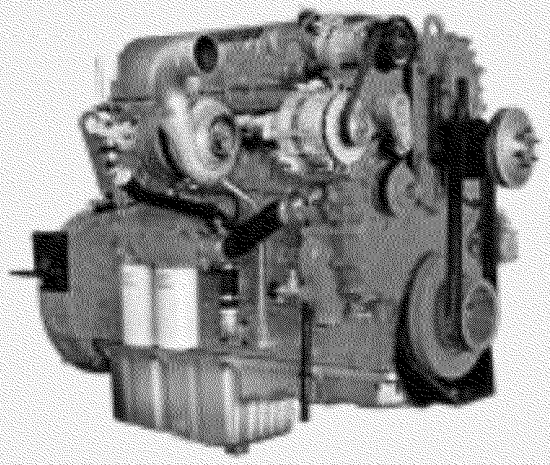
Comment on EPA Proposed Glider Vehicles Rule, Docket ID EPA-HQ-OAR-2014-0827, submitted January 5, 2018

Appendix C

Warranties Available for New Freight Trucks

Warranties Offered on New Glider Vehicles

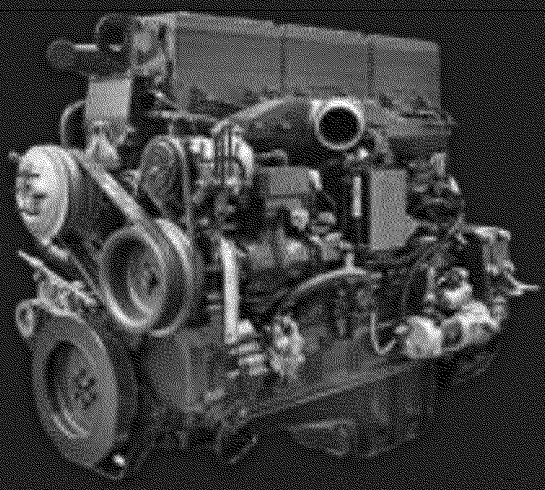
Fitzgerald Glider Kits website
https://www.fitzgeraldgliderkits.com/warranty
(accessed Jan. 3, 2018)



IN-HOUSE REMAN DETROIT 60 SERIES (FACTORY REMAN AVAILABLE)

For those of you who would prefer a reman Detroit 60 Series engine direct from Detroit Diesel, we offer that as well as our in house reman option. The Series 60 provides the perfect balance of power and fuel economy for heavy-duty applications. The warranty on the factory reman is slightly different and the Fitzgerald in house warranty upgrades do not apply. Please contact us to learn more.

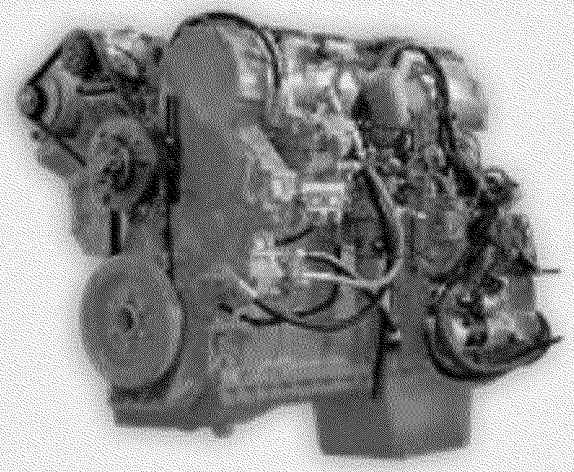
3 Year Warranty 5 Year Warranty Owners Manual



FACTORY REMAN CUMMINS N14

The Cummins N14 is a 525 HP pre emission engine that has a little more power than the Detroit if that is what you are after. The warranty for this engine is 3 years and 300,000 miles, through Cummins and you can learn more about it below.

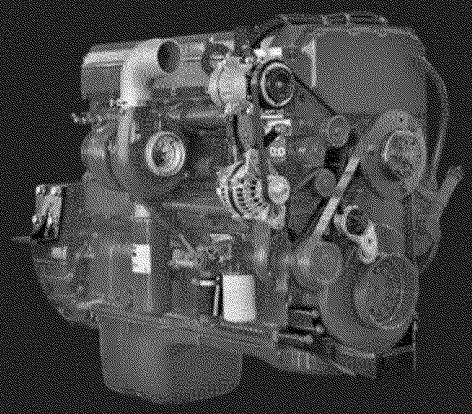
Warranty Information



FACTORY REMAN CATERPILLAR C15

The Caterpillar C15 single turbo pre emissions engine is a trusted engine amongst many in the trucking community. A 4 year unlimited mile warranty comes with every one of these sold through Fitzgerald. Learn more about the warranty below.

Warranty Information



CUMMINS ISX

The Cummins ISX is the latest edition to our engine lineup. It is packing 600HP with 2050TQ and comes with a 3 year 300k mile warranty direct from Cummins.

Warranty Information

Fitzgerald Glider Kits o ers one of the best warranties on the road today, period! With our optional 5 Year / 500k Mile Warranty available on our in house Detroit engines, rest assured we're riding along with you on the road.

3 YEAR WARRANTY

5 YEAR WARRANTY

GOLD WARRANTY OPTIONS

3 YEAR 500K MILE GOLD

3 year / 300,000 miles (whichever comes rst)

100% Parts and Labor: Air Compressor; Cam; Cam Seal; Crankshaft; Cylinder Block; Cylinder Head; Cylinder Kits; ECM; Engine Harness; Exhaust Manifold; Flywheel Housing; Front Engine Covers; Fuel Pump; Injectors; Injector Harness; Oil Cooler; Oil Pan; Oil Pump; Rear Crank Seal; Rocker Cover; Starter; Thrust Plate; Turbo.

***2 year / 200,000 miles (whichever comes rst)**

1st yr/100k miles 100% Parts and Labor: Head Gasket. *2nd year Parts Only:Head Gasket.

1 year / 100,000 miles (whichever comes rst)

100% Parts and Labor: Accessory Drive; Alternator; Detroit Engine Sensors; Exhaust Pipes; Fan Blades; Front Crank Seal; Gaskets; Gear Train; Metal Coolant Pipes; Pulleys; Rockers; Water Pump.

6 months / Unlimited miles

100% Parts and Labor: Belts; Broken Bolts; Fittings; Hoses; Jakes; Thermostats; Workmanship issues with FGK.

*1 year towing reimbursed up to $500.00 per incident for the following: Crankshaft; Cylinder Block; Cylinder Head; Cylinder Liners; Pistons; Piston Rings.

5 YEAR 500K MILE GOLD

5 year / 500,000 miles(whichever comes rst)

3yr/300k miles 100% parts and labor. 4yr & 5yr 80%/20% Parts and Labor: Air Compressor; Cam; Cam Seal; Crankshaft; Cylinder Block; Cylinder Head; Cylinder Liners; Engine Harness; Exhaust Manifold; Flywheel Housing; Front Engine Covers; Front Crank Seal; Fuel Pump; Injectors; Injector Harness; Oil Cooler; Oil Pan; Oil Pump; Rear Crank Seal; Rocker Cover; Starter; Thrust Plate; Turbo.

3 year / 300,000 miles(whichever comes rst)

100% Parts and Labor: Alternator; ECM; Gear Train; Rockers; Thermostats; Water Pump.

***2 year / 200,000 miles(whichever comes rst)**

1st yr/100k miles 100% Parts and Labor: Head Gasket.
*2nd year Parts Only: Head Gasket.

1 year / 100,000 miles (whichever comes rst)

100% Parts and Labor: Fan Blades; Exhaust Pipes; Fittings; Hoses; Jakes; Metal Coolant Pipes; Pulleys; Workmanship issues with FGK.

Towing

1 year/100,000 miles (which ever comes rst) Reimbursed up to $500 per incident on any non-drivable failure.
3 year/300,000 miles (which ever comes rst)
Reimbursed up to $500 per incident on the following: Cylinder Block; Cylinder Head; Cylinder Liners; Crankshaft; Pistons; Piston Rings.

SILVER WARRANTY OPTIONS

3 YEAR 300K MILE STANDARD

3 year / 300,000 miles (whichever comes rst)

1st yr/100k miles 100% Parts and Labor: Air Compressor; Crankshaft; Cylinder Block; Cylinder Head; Cylinder Liners; Engine Harness; Exhaust Manifold; Injector Harness; Pistons; Piston Rings.
*2nd & 3rd year parts only

3 year / 300,000 miles (whichever comes rst)

100% Parts and Labor: Injectors.

***2 year / 200,000 miles (whichever comes rst)**

1st yr/100k miles 100% Parts and Labor: Head Gasket, Turbo. *2nd year parts only.

1 year / 100,000 miles (whichever comes rst)

100% Parts and Labor: Accessory Drive; Alternator; Cam; Detroit Engine Sensors; ECM; Exhaust Pipes; Front Engine Covers; Fan Blades; Fuel Pump; Gaskets; Gear Train; Metal Coolant Pipes; Oil Cooler; Oil Pan; Oil Pump; Pulleys; Rocker Cover; Rockers; Seals; Water Pump.

6 month / Unlimited miles

100% Parts and Labor: Belts; Broken Bolts; Fittings; Hoses; Jakes; Thermostats: Workmanship issues with FGK.

5 YEAR 300K MILE SILVER

5 year / 500,000 miles (whichever comes rst)

3yr/300k miles 100% parts and labor. 4yr & 5yr 80%/20% Parts and Labor: Air Compressor; Cam; Cam Seal; Crankshaft; Cylinder Block; Cylinder Head; Cylinder Liners; Engine Harness; Exhaust Manifold; Flywheel Housing; Front Engine Covers; Front Crank Seal; Fuel Pump; Injector Harness; Oil Cooler; Oil Pan; Oil Pump; Rear Crank Seal; Rocker Cover; Starter; Thrust Plate.

3 year / 300,000 miles (whichever comes rst)

100% Parts and Labor: ECM; Injectors; Turbo.

***2 year / 200,000 miles(whichever comes rst)**

1st yr/100k miles 100% Parts and Labor: Gear Train; Head Gasket.
*2nd year Parts Only: Gear Train; Head Gasket.

1 year / 100,000 miles (whichever comes rst)

100% Parts and Labor: Alternator; Exhaust Pipes; Fan Blades; Front Crank Seal; Metal Coolant Pipes; Pulleys; Rockers; Thermostats; Water Pump.

6 months / Unlimited miles

100% Parts and Labor: Belts; Broken Bolts; Fittings; Hoses; Jakes; Workmanship Issues with FGK.
*1st year towingreimbursed up to $500.00 per non- drivable incident.

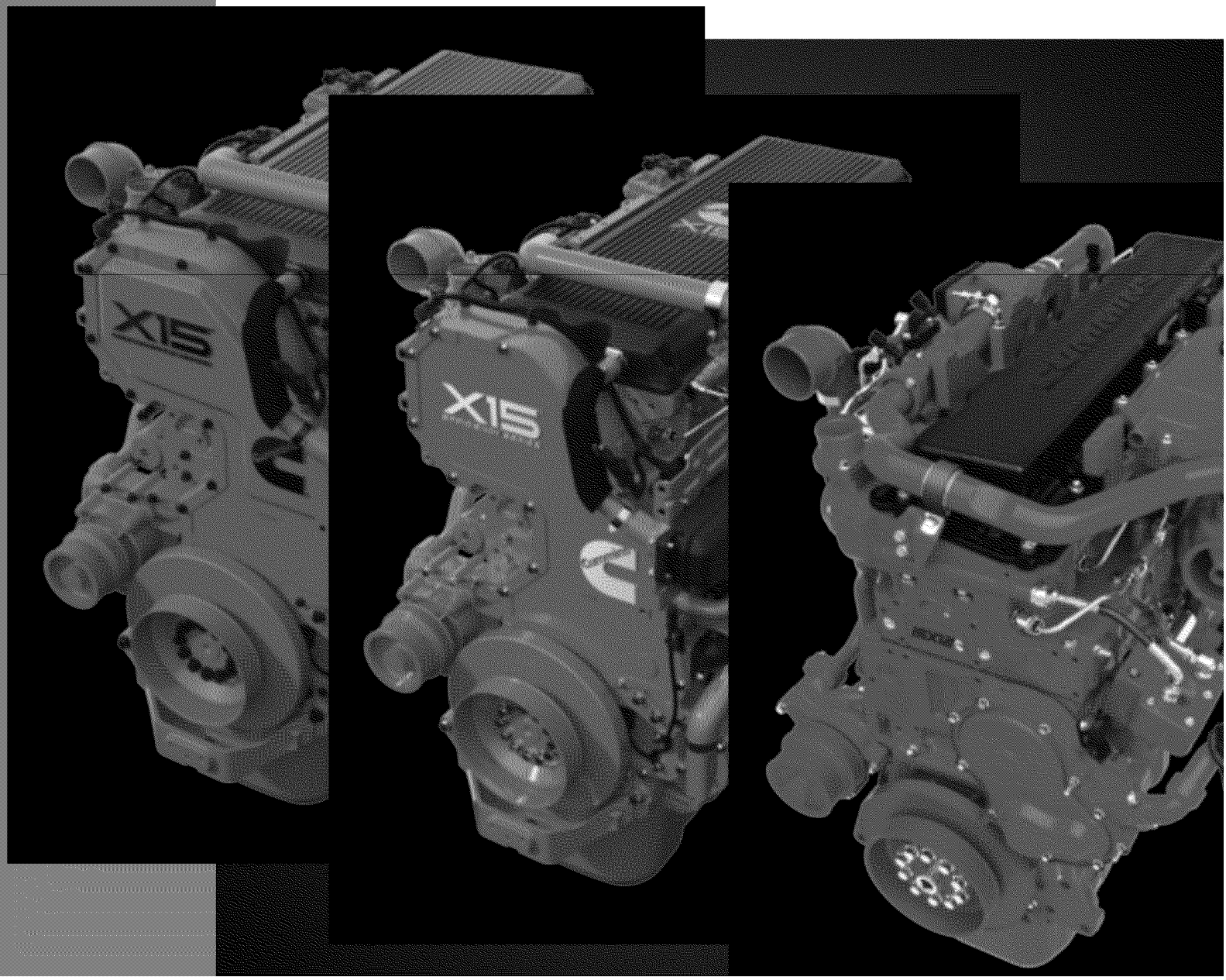
Fitzgerald Glider Kits has the largest network of Service Shop across the country that provides routine maintenance services and performs warranty work. Click here for more.

Warranties Offered on Non-Glider New Freight Engines

Cummins Warranty Brochure
https://peterbilt.cummins.com/brochure-download.aspx?brochureid=1443
(accessed Jan. 3, 2018)

Every™ Coverage.

North American Truck Coverages For 2017 X15™ And ISX12 Engines.



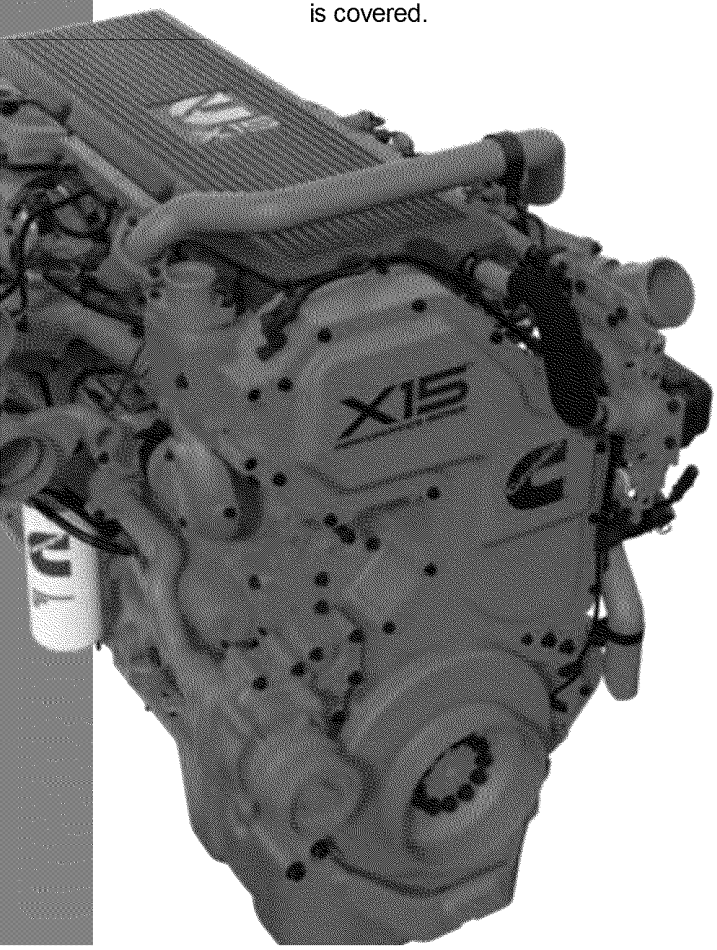
North American Heavy-Duty Truck Coverages.

Cummins Heavy-Duty Base Engine Warranty coverage for the X15 Efficiency Series, X15 Performance Series and ISX12 is better and more comprehensive than ever.

From the block casting to the injectors, virtually everything is covered for 2 years/250,000 miles (402,336 km), whichever comes first. That includes the aftertreatment system.

Plus, we continue to offer a variety of comprehensive extended coverage plans on all Cummins Heavy-Duty engines, for added security. These protection plans provide financial peace of mind, insuring you against unforeseen expenses for years to come. And they can be included in the financing of your new truck for just dollars a day.

Cummins Extended Coverage plans are honored at all authorized Cummins service locations, and backed by Cummins Care. No matter where your business takes you, you've always got a Cummins-authorized service facility nearby, with over 3,500 locations in North America. So you can be assured that every contingency is covered.



X15 And ISX12 Base Warranty.

There's no greater assurance of quality. A product's warranty is ironclad proof that you can take to the bank, especially when it's a 2-year/250,000-mile (402,336 km) warranty on a Cummins Heavy-Duty X15 or ISX12 engine. Virtually everything is included in this standard warranty – 100 percent parts and labor, travel or towing – all with no deductible:

- 100 percent parts and labor on warrantable failures*
- Travel or towing when an engine is disabled by a warrantable failure
- Includes aftertreatment

*Warrantable failures are those due to defects in Cummins material or factory workmanship. Refer to legal bulletins for specific details.

X15 And ISX12 Extended Coverage Plans.

Protection Plan 1

You can plan your maintenance and repair budgets with confidence when you've got extended coverage for your Heavy-Duty engines. Protection Plan 1 is our most comprehensive package, including the turbocharger, water pump, fuel injectors, air compressor and fuel pump for a variety of year and mileage options ranging from 3 to 5 years and 100,000 to 500,000 miles (160,934-804,672 km) for the X15 Performance Series and ISX12, and from 3 to 6 years and 100,000 to 600,000 miles (160,934-965,606 km) for the X15 Efficiency Series. Mileage range may vary by engine and length of coverage. Contact your local distributor or dealer for duration details to choose the plan that best meets your equipment trade cycle and financial goals.

Items covered under Protection Plan 1 include:

- Internal components and major engine systems, including the turbocharger, water pump and fuel injectors* and – new for EPA/GHG2017 – the flywheel, wiring harnesses, front gear housing and thermostat
- Registered parts and labor on covered failures
- Travel or towing when an engine is disabled by a warrantable failure is covered when you purchase Plan 1 coverage with the travel option

*Does not include hydrocarbon doser injector.

Protection Plan 2

Provides you with coverage against major repair expenses down the road, no matter where those roads take you. Options range from 3 to 7 years and 250,000 to 500,000 miles (402,336-804,672 km). Mileage range options may vary by engine and length of coverage. Contact your local distributor for details on your specific engine.

Items covered under Protection Plan 2 include:

- Internal components and major engine systems, including the water pump, which is new for EPA/GHG 2017
- Registered parts and labor on covered failures
- Travel or towing when an engine is disabled by a warrantable failure is covered when you purchase Plan 2 coverage with the travel option

Aftertreatment Extended Coverage*.

Extended coverage is also available for your Single Module™ or Cummins Aftertreatment System. Options range from 3 to 5 years and 100,000 to 500,000 miles (160,934-804,672 km). Mileage range options may vary by engine and length of coverage. Contact your local distributor for details on your specific engine.

The coverage includes Cummins-supplied aftertreatment components, including:

- Diesel Oxidation Catalyst (DOC), Diesel Particulate Filter (DPF) and SCR assemblies
- Hydrocarbon dosing system
- Diesel Exhaust Fluid (DEF) dosing system
- Ammonia sensor

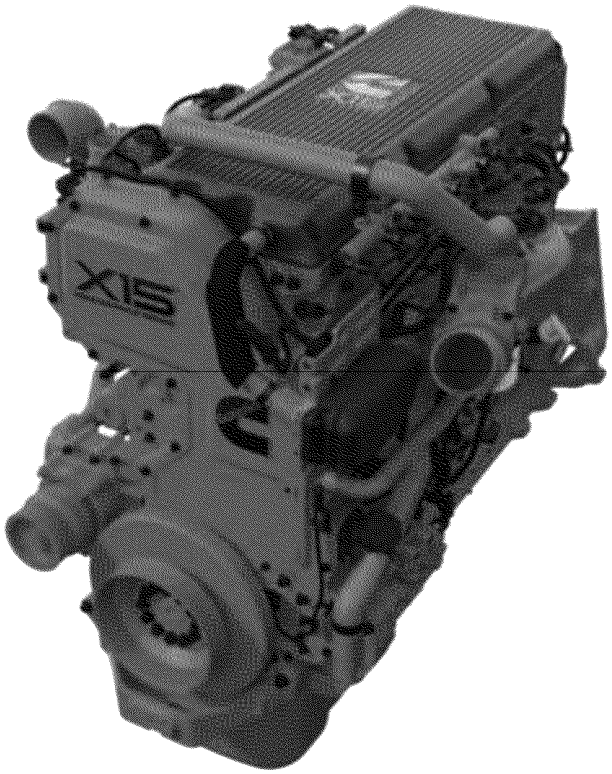
*Protection Plan 1 EPA 2017 of equal duration is required prior to the purchase of the Aftertreatment Extended Coverage.

Major Components Coverage.

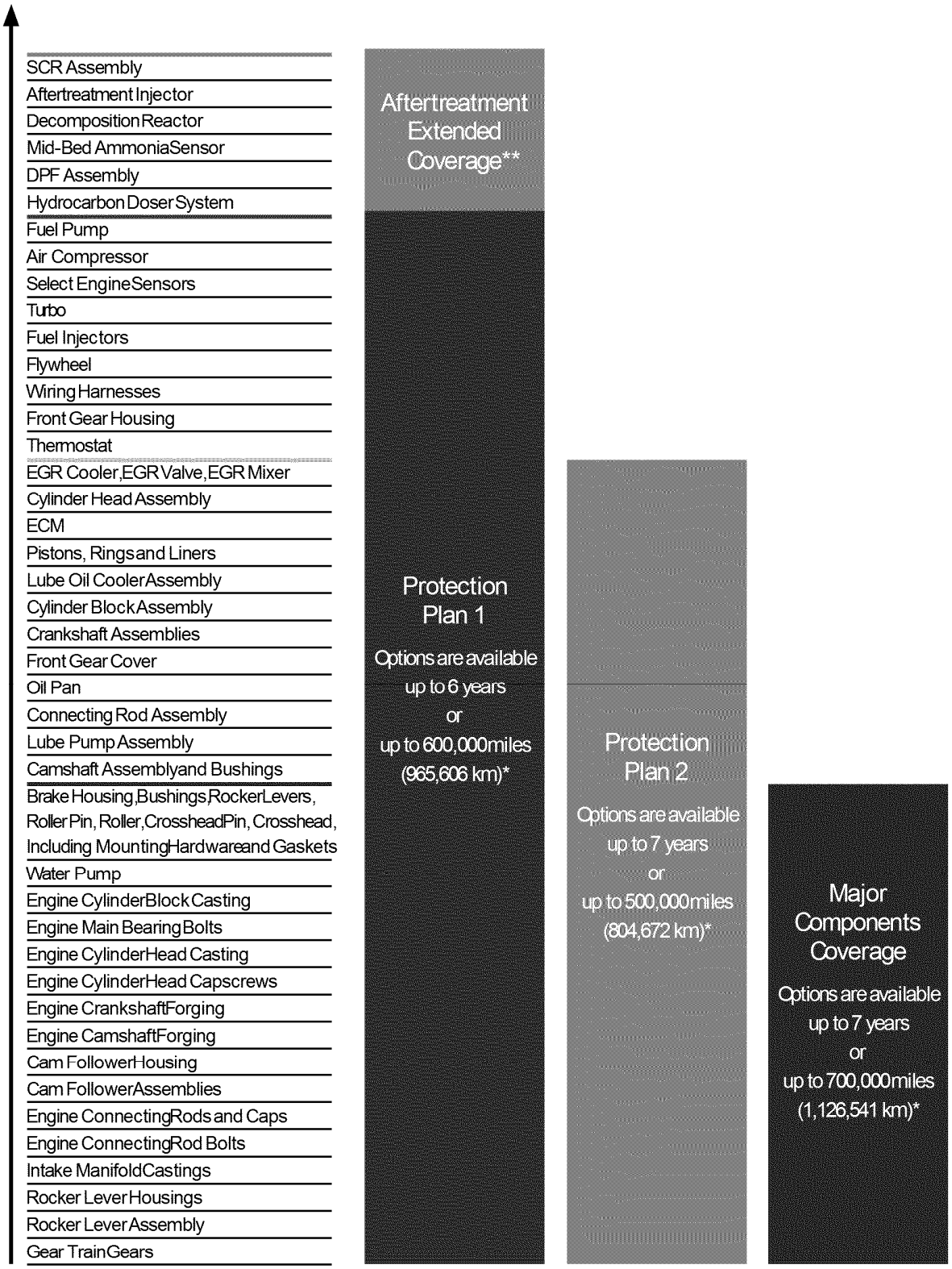
Cummins Major Components Coverage is the most important travel insurance you can buy, as it protects you against unexpected expenses stemming from issues involving major repairs. Advance planning with Major Components Coverage provides additional peace of mind, with options ranging from 5 to 7 years and 500,000 to 700,000 miles (804,672-1,126,541 km). Mileage range options may vary by engine and length of coverage. Contact your local distributor for details on your specific engine.

Major Components Coverage includes:

- Registered parts and labor on covered failures, including the water pump, which is new for EPA/GHG 2017
- Major castings and forgings

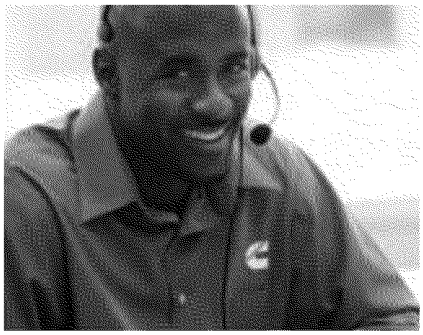


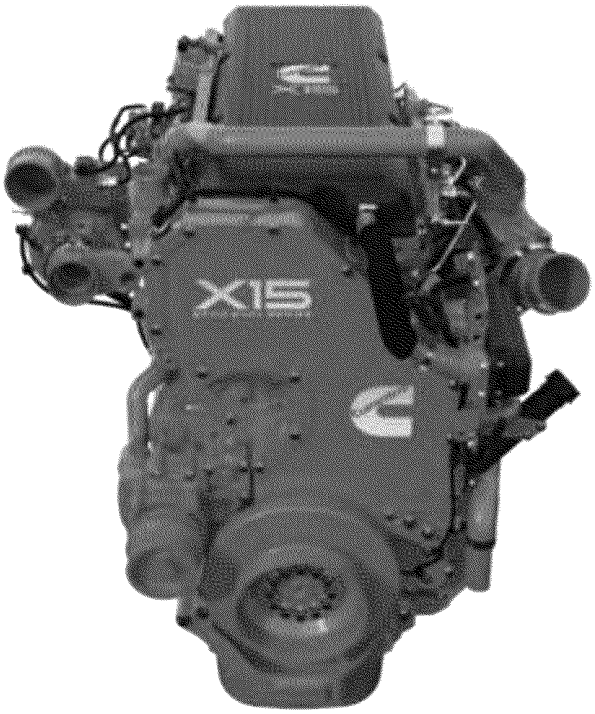
2017 X15 And ISX12 Extended Coverage Terms*



*Terms and conditions are subject to change. Mileage range options may vary by engine and length of coverage.

**Protection Plan 1 EPA 2017 of equal duration is required prior to the purchase of the Aftertreatment Extended Coverage.





Leave Every Detail To Us.

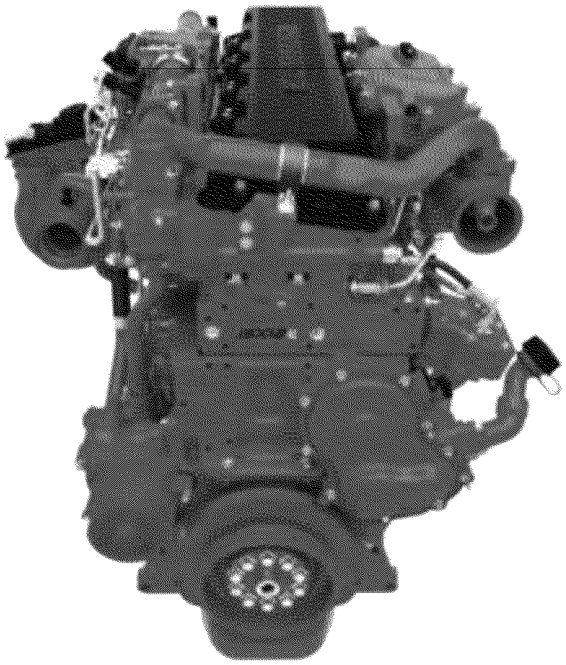
For complete coverage details, including pricing, contact your local Cummins distributor or OEM dealer.

Ordering Cummins Extended Coverage is easy. Your local Cummins distributor or dealer can handle it for you when you buy your new X15- or ISX12-powered truck, and include it in your financing, or you can buy it separately later on for up to 18 months after your engine purchase.*

If you experience a service need during the coverage period, call Cummins Care toll-free at 1-800-CUMMINS℠ (1-800-286-6467). Our Cummins Care representatives are standing by, every hour of every day, and they will check with nearby authorized Cummins distributors and dealers to locate a facility with an available technician and the right diagnostic tools to handle your equipment repair. Your Cummins representative will help get you to the nearest available location – with 3,500 authorized locations, there's sure to be one close by.

Simply show the servicing distributor/dealer your Extended Coverage certificate, and he or she will handle all the necessary paperwork and repairs to get you back on the road as quickly as possible.

*After 12 months, a small administrative fee may be applied.



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Warranties Offered on Non-Glider New Freight Engines

Cummins List of Warranty Options
https://peterbilt.cummins.com/warranty
(accessed Jan. 3, 2018)

Search All Markets Go

Dealer Sales Site

FIND AN ENGINE

WARRANTY & EXTENDED COVERAGE

SALES SUPPORT

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Home > Warranty & Extended Coverage

Warranty & Ext. Coverage

In addition to the base warranty, Cummins offers a variety of extended coverage plans that provide extra protection against major repair expenses. We offer extended coverage plans to fit every application and budget.

- CM 2018 Coverages
  - L9N Plan 1
  - L9N Plan 2
  - L9N Major Components
  - ISX12N Plan 1
  - ISX12N Plan 2
  - ISX12N Major Components
- 2013 Extended Coverages
  - Protection Plan 1
  - Protection Plan 2
  - Major Components
  - Aftertreatment Coverage
- CM 2017 Coverages
  - ISL G Plan 1
  - ISL G Plan 2
  - ISX12 G Plan 1
  - ISL G Major Components
  - ISX12 G Plan 2
  - ISX12 G Major Components
- 2013 Extended Coverages
  - Aftertreatment Coverage
  - Major Components Plan
  - Protection Plan 1
  - Protection Plan 2
- 2010 Extended Coverages
  - Aftertreatment Coverage
  - Major Components Plan
  - Supplemental Coverage
  - Protection Plan 1
  - Protection Plan 2
- Warranties - Heavy Duty Truck
  - Diesel Kits - Diesel
- Warranties - Medium Duty Truck
- Single EPA Extended Coverage Listings

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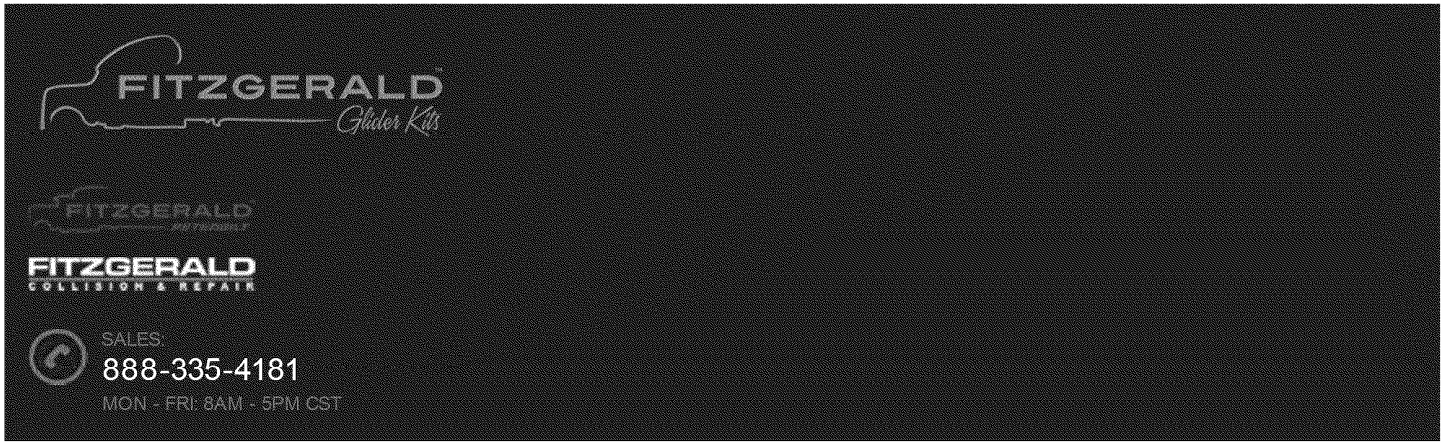
Comment on EPA Proposed Glider Vehicles Rule, Docket ID EPA-HQ-OAR-2014-0827, submitted January 5, 2018

Appendix D

New Glider Vehicle Sales Listings

Fitzgerald Glider Kits website
http://trucks.fitzgeraldgliderkits.com
(accessed Jan. 3, 2018)



GLIDER KIT TRUCKS FOR SALE

GLIDER KIT TRUCKS FOR SALE / THIS PAGE

Manufacturers

Glider Kit Types

Cab Style

Sort Order

Max Price

NO MORE THAN $250,000

Year Range

Model Search

Stock # Search

16 RESULTS

NEW 2017 PETERBILT 579 GLIDER KIT GLIDER KIT

STOCK PHOTO

Daycab Glider Kit Truck, Custom Specs

$127,179

Stock #:	481518
Status:	Fully Built Truck
Cab:	Daycab
Engine:	In-House 60 Series Detroit: 500HP, 1650 Torque
Trans:	10 Speed - Standard
Wheelbase:	205
Rear Ratio:	3.55

Truck Color: White

NEW 2018 FREIGHTLINER COLUMBIA GLIDER KIT GLIDER KIT

Daycab Glider Kit Truck, Stock Specs

$110,995

Stock #:	JP3341
Status:	Fully Built Truck
Cab:	Daycab
Engine:	In-House 60 Series Detroit: 500HP, 1650 Torque
Trans:	10 Speed - Standard
Wheelbase:	180
Rear Ratio:	3.55
Truck Color:	White

NEW 2017 FREIGHTLINER COLUMBIA GLIDER KIT GLIDER KIT

STOCK PHOTO

Daycab Glider Kit Truck, Stock Specs

$106,995

Stock #:	JG8428
Status:	Fully Built Truck
Cab:	Daycab
Engine:	In-House 60 Series Detroit: 500HP, 1650 Torque
Trans:	10 Speed - Standard
Wheelbase:	180
Rear Ratio:	3.58
Truck Color:	White

NEW 2017 FREIGHTLINER M2 GLIDER KIT GLIDER KIT

Freightliner M2 Glider Kit Truck

Glider Kit Truck, Custom Specs

$189,083

Stock #:	JA7737
Status:	Fully Built Truck
Cab:	
Engine:	N/A
Trans:	N/A
Wheelbase:	174

Rear Ratio: 4.56
Truck Color: Black Metallic

NEW 2017 PETERBILT 389 GLIDER KIT GLIDER KIT

Ext Daycab Glider Kit Truck, Stock Specs

$185,898

Stock #: 469939
Status: Fully Built Truck
Cab: Ext Daycab
Engine: In-House 60 Series Detroit: 500HP, 1650 Torque
Trans: 18 Speed - Standard
Wheelbase: 309
Rear Ratio: 4.11
Truck Color: White

NEW 2016 PETERBILT 386 GLIDER KIT GLIDER KIT

Daycab Glider Kit Truck, Stock Specs

$124,495

Stock #:	442252
Status:	Fully Built Truck
Cab:	Daycab
Engine:	In-House 60 Series Detroit: 500HP, 1650 Torque
Trans:	13 Speed - Standard
Wheelbase:	195
Rear Ratio:	3.42
Truck Color:	Spectramaster

NEW 2016 PETERBILT 388 GLIDER KIT GLIDER KIT

Daycab Glider Kit Truck, Stock Specs

$167,372

Stock #:	449592
Status:	Fully Built Truck
Cab:	Daycab
Engine:	In-House 60 Series Detroit: 500HP, 1650 Torque
Trans:	8LL Speed
Wheelbase:	230
Rear Ratio:	4.3

Comment on EPA Proposed Glider Vehicles Rule, Docket ID EPA-HQ-OAR-2014-0827, submitted January 5, 2018

Appendix E

Descriptions of Glider Vehicles by Industry Participants

Description of Glider Vehicles by Glider Manufacturer

Fitzgerald Glider Kits, "What is a Glider Kit"
https://www.fitzgeraldgliderkits.com/what-is-a-glider-kit
(accessed Jan. 3, 2018)

WHAT IS A GLIDER KIT?

The answer is here

This is a question we get quite frequently and the answer is simple. A glider kit is a new truck without an engine or transmission that has reman rears that are factory installed. The name "Glider Kit" comes from the fact that these units are unpowered from the factory. Glider kits retain the factory warranty on the cab and chassis of 1 year/ 100k miles. We then take the glider kit and install a number of different engine and transmission options to give you a complete unit ready to go to work.

We keep a large inventory of Peterbilt, Freightliner, Kenworth, and Western Star glider kits in stock ready for immediate delivery. Once the assembly is complete you have a truck that looks, feels and drives like a brand new truck. The advantages really stack up to make a glider kit a great option when purchasing a new truck. We understand that nothing about the trucking industry is "conventional" and that's why we have a great in-house team devoted to just doing custom spec's for our customers.

Advantages of a Glider Kit:

- Lower cost of ownership compared to a factory truck
- Better fuel economy
- No DEF or EGR
- Lower maintenance costs
- Largest warranty network in the U.S.
- If you go with Fitzgerald's in house Detroit engine you have 4 warranty options (learn more)

HISTORY

Glider Kits have been around for almost 50 years and are used for a number of applications, both on and off the highway. Gliders are less expensive than new trucks and offer a more economical option for fleets and owner/operators. In the beginning gliders had a bit of a bad reputation as many trucks were built out of used components that were not reconditioned. 20 years ago no one really put much thought into offering a better product to consumers. Fitzgerald Glider Kits set out to change that perception in 1989.

OTHER GLIDERS vs FITZGERALD GLIDERS

Fitzgerald is the largest and most trusted glider kit assembler for a reason, they are the best at what they do. Fitzgerald consistently produces quality trucks at great prices. Fitzgerald has been at this for almost 30 years and has the process down to a science. From the time you call in to speak with a sales professional to the time you pick up your new rig, you will be treated like part of the family. Great customer service and support before and after the sales is our number one goal.

THE FUTURE OF GLIDER KITS

Looking into the future, most manufactures are making newer model trucks available as a Glider. The most recent offering is from Peterbilt with the introduction of the Peterbilt 579 as a Glider Kit. We are also constantly working to offer different engine platforms in our Glider Kits. Year after year Fitzgerald Glider Kits as a company continues to grow giving our customers more options in glider kits, better services, and an ever growing warranty network across the U.S.

Want to know more?

You can give us a call at 888-335-4181, reach out to us on Facebook, or right here on the website via the contact page or the chat window at the bottom of your screen.

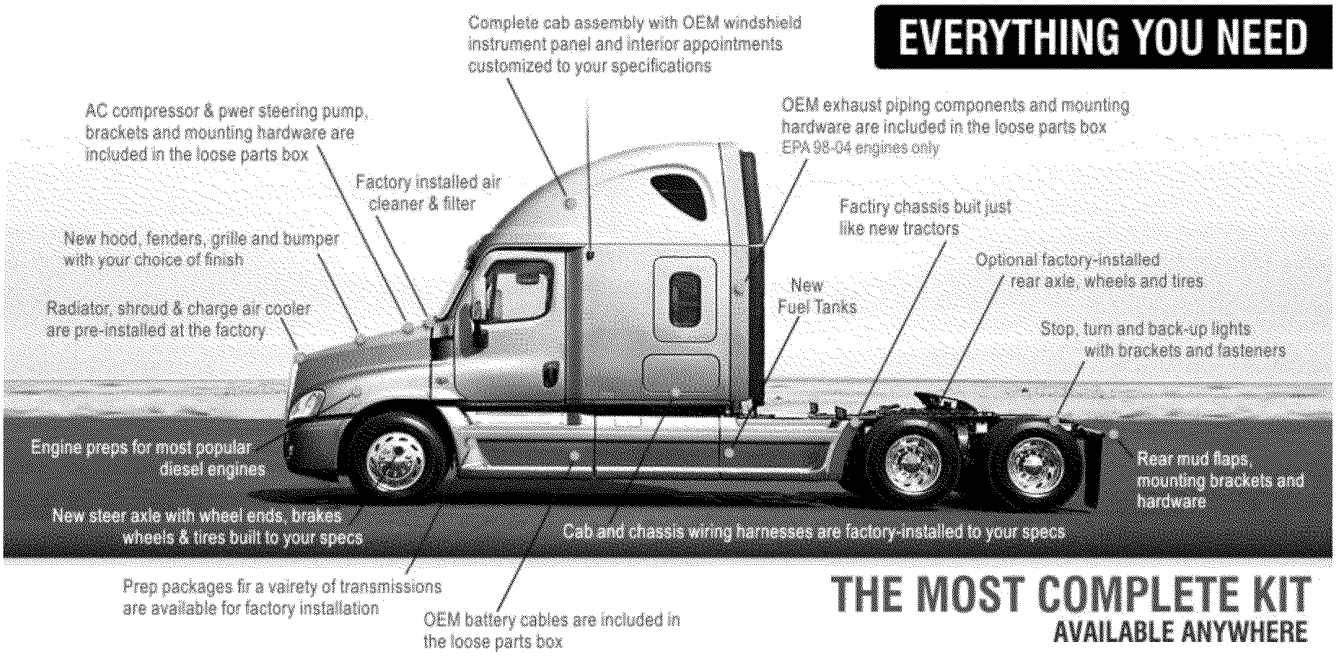
Fitzgerald Glider Kits | © 2017 All Rights Reserved | Fitzgerald Truck Parts and Sales, llc 2018 - ID NO 15619 - 752 Interstate lane Crossville, TN 38571

Description of Glider Vehicles by Glider Manufacturer

Harrison Truck Centers, "Glider Kits"
http://www.htctrucks.com/index.php/sales-1/harrison-truck-centers-glider-kits
(accessed Jan. 3, 2018)

GLIDER KITS

THE NEXT BEST THING TO A NEW TRUCK



At a glance, the most seasoned trucker won't spot the difference between a Freightliner Glider Kit and a new truck. A Glider Kit comes to you as a brand-new, complete assembly that includes the frame, cab, steer axle, wheels, a long list of standard equipment and a loose parts box with up to 160 additional parts. Your Glider Kit has everything you need to hit the road in a "new" Freightliner or Western Star.

REPAIR YOUR WRECKED OR BADLY WORN TRUCK

- Spec a Freightliner or Western Star Glider Kit with the exact configuration and equipment you need.
- Get the latest Freightliner or Western Star features in day cab or sleeper cab.
- Factory-installed components covered by a Freightliner or Western Star New Truck Warranty.
- Factory-installed, reconditioned engine options include MBE 900 (for M2), MBE 4000, Cummins ReCon ®,
- Detroit Diesel Reliabilt ®, or Caterpillar ® Reman.
- We are the only dealership in the country to offer Cascadia Glider Kits.

AVAILABLE REPLACEMENT CABS

- Skeleton cab consists of sheet metal, doors and glass
- Service cab is the Skeleton with base model standard cab wiring, dash and gauges with engine-specific wiring
- Serial cab is completely trimmed as closely as possible to your vehicle's original specifications
- Completely trimmed, bolt-and- go hoods are available and come painted, with grille, headlights and bezels

YOUR FREIGHTLINER GLIDER KIT HAS EVERYTHING YOU NEED.

HARRISON TRUCK CENTERS IS THE ONLY DEALERSHIP IN THE COUNTRY TO OFFER:

CASCADIA, 122SD, AND M2 GLIDER KITS!

GLIDER KIT INVENTORY

Description of Glider Vehicles by Glider Manufacturer

Freightliner, “Glider: The Truck You Always Wanted” Brochure
www.dtnaglider.com

Glider

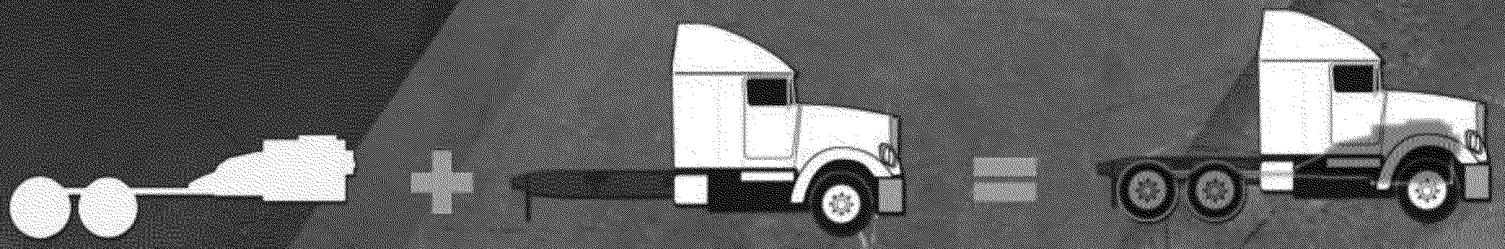
by FREIGHTLINER

The Truck You AlwAYs wAnTed

WHIcH OnE IS THE GLIDER?

IT'S HARD TO TELL

rolling down the road, it's difficult to spot any differences between a Freightliner Glider and a new Freightliner truck. A Glider kit comes to you as a brand-new, complete assembly that includes the frame, cab, steer axle and wheels, plus a long list of standard equipment. every Glider also comes with a loose parts box containing up to 160 parts — everything you need to get rolling.



Glider by FREIGHTLINER

SMART CHOICE.

A FREIGHTLINER GLIDER IS A

THE nExT bEST THInG TO A nEW TRuck

designed, engineered and assembled alongside new Freightliner trucks, a Glider gives you everything a new truck offers except for two of the three main driveline components (engine, transmission and rear axle). You can either recapitalize any of these from your existing unit or spec a factory-installed remanufactured engine or rear axle.

bAckED by A nEW TRuck WARRAnTy

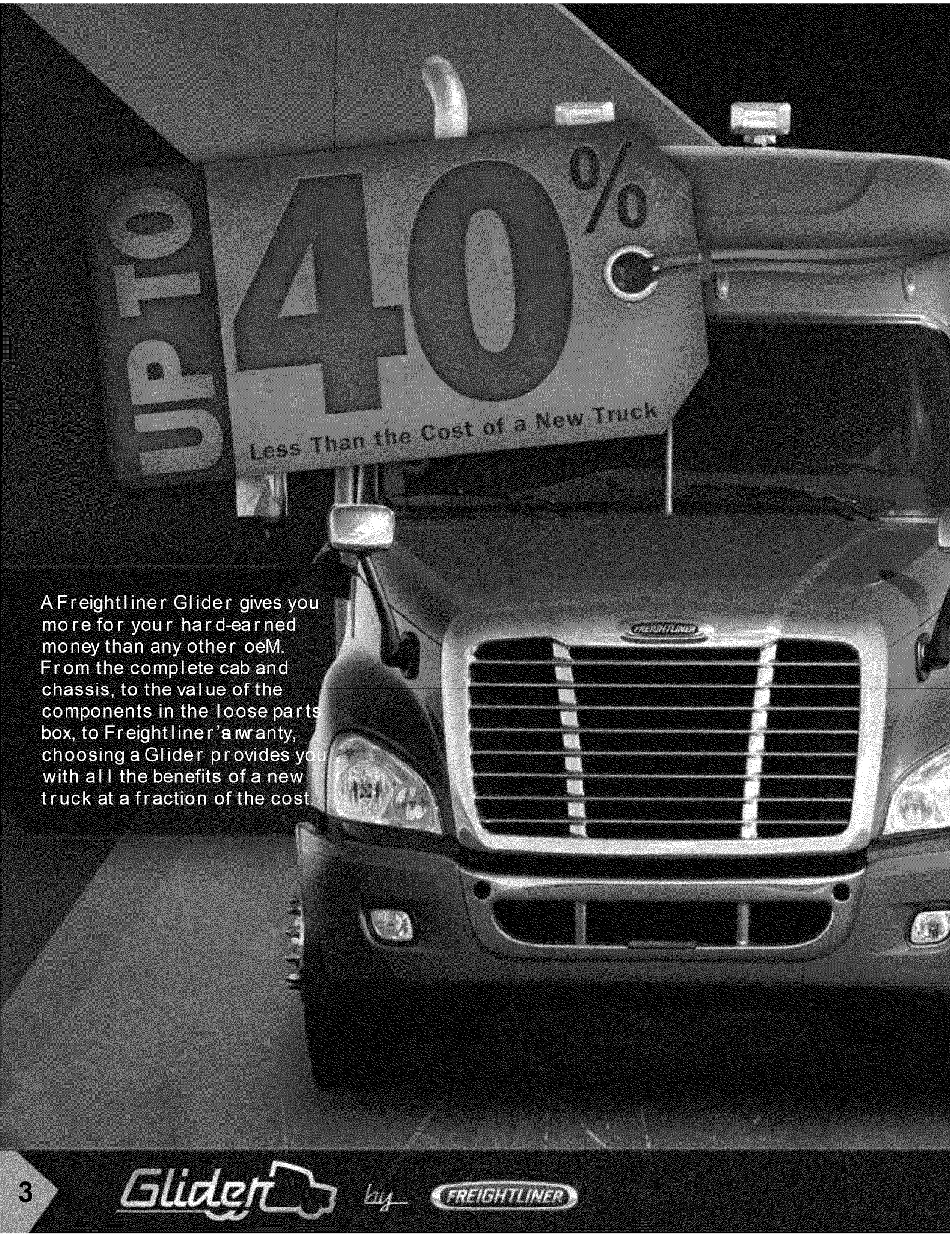
unlike a used truck, every factory-installed component on a Glider is covered by Freightliner's warranty. This gives you peace of mind knowing your vehicle is backed by Freightliner's outstanding network of dealers to provide you with expert service, unmatched parts availability and total customer support.

GET IT THE WAy yOu WAnT IT

don't compromise your productivity with a truck that may not fit your needs. spec a Freightliner Glider with the exact configuration and equipment you need for your specific operation. Gliders include the latest design enhancements and are available in day cab or sleeper units with a wide range of options — all with unsurpassed Freightliner quality.

ExTEnD THE uSEfuL LIfE Of yOuR OLDER EquIpmEnT

If you currently have an older truck with a robust powertrain but need to update the cab or frame, a Freightliner Glider is the perfect solution. Gliders are a smart business decision for making application conversions, standardizing fleet units and repairing a down unit due to wreck or fire.



A Freightliner Glider gives you more for your hard-earned money than any other OEM. From the complete cab and chassis, to the value of the components in the loose parts box, to Freightliner's warranty, choosing a Glider provides you with all the benefits of a new truck at a fraction of the cost.

Glider by FREIGHTLINER

THE TRUCK YOU ALWAYS WANTED

IS MORE AFFORDABLE

THAN YOU THINK.

REDucE yOuR cOST pER mILE

Get all the advanced engineering, design upgrades, state-of-the-art efficiency and long-lasting reliability of a new truck while lowering your total cost of ownership. running a Glider me also save big on maintenance and service costs and reduce profit-killing downtime.

fASTER LEAD TImE

Thanks to Freightliner's specPro software, a Glider can be ordered to your exact specificati including all required components. And, because it arrives as a complete kit, your Glider ca assembled in less time than a typical in-frame overhaul, which gives you more productive up

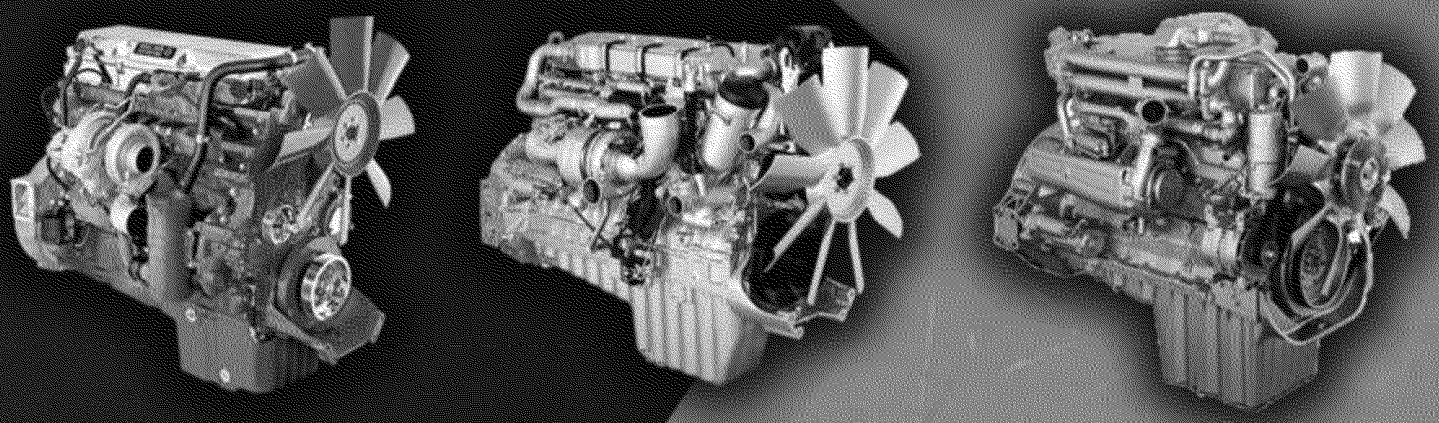
SAvE On fET

Get new truck performance without paying us Federal excise Tax. when you purchase a Freightliner Glider in the us, you may be exempt from the FeT, giving you a substantial savings of 12%. Additionally, a new Glider is often deductible as a depreciable asset. consult your ta professional about the tax implications for your specific operation.

fInAncInG THROuGH DAImLER TRuck fInAncIAL

daimler Truck Financial offers financing options for your Glider at or near new truck inter giving you lower monthly payments. In many cases, the value of the components you supply c be used toward your down payment. see your Freightliner dealer for complete financing de and donor vehicle requirements.

PICK YOUR POWER.



pOWERED GLIDER OpTIOnS

daimler Trucks north America is the only oeM that offers a Glider kit with factory-installed remanufactured engines. when you choose the powered Glider option, you can spec a Powerliner choice series 60® or MBe 900 or 4000 remanufactured engine for like-new performance, efficiency and reliability. You can also spec a remanufactured engine from the cummins recon® product line.

Availability varies by Glider model.

pOpuLAR EnGInE pREpS

Get your Glider delivered ready-to-go for the specific engine you want to drop in. Available engine options include factory-installed mounting, plumbing and wiring components to make most popular engines faster and easier. You can also choose to add a factory-installed assembly with an engine prep kit.

DIAL bAck THE EmISSIOnS cLOck

A Glider may allow you to meet earlier emission requirements when a remanufactured engine is installed. A Glider that is spec'd with an earlier ePA engine or engine prep may only be required to meet emission standards or better of a qualifying donor. see your Freightliner dealer for complete details.

ALTERnATIvE fuEL OpTIOnS

A Freightliner Glider is an excellent platform for installing engines that run on compressed natural gas (cnG) in class 6 and 7 trucks, which can help lower fuel costs and reduce emissions released into the environment.

Glider by FREIGHTLINER

THE TRUCK YOU ALWAYS WANTED IS AT A FREIGHTLINER DEALER.

ROLL On In

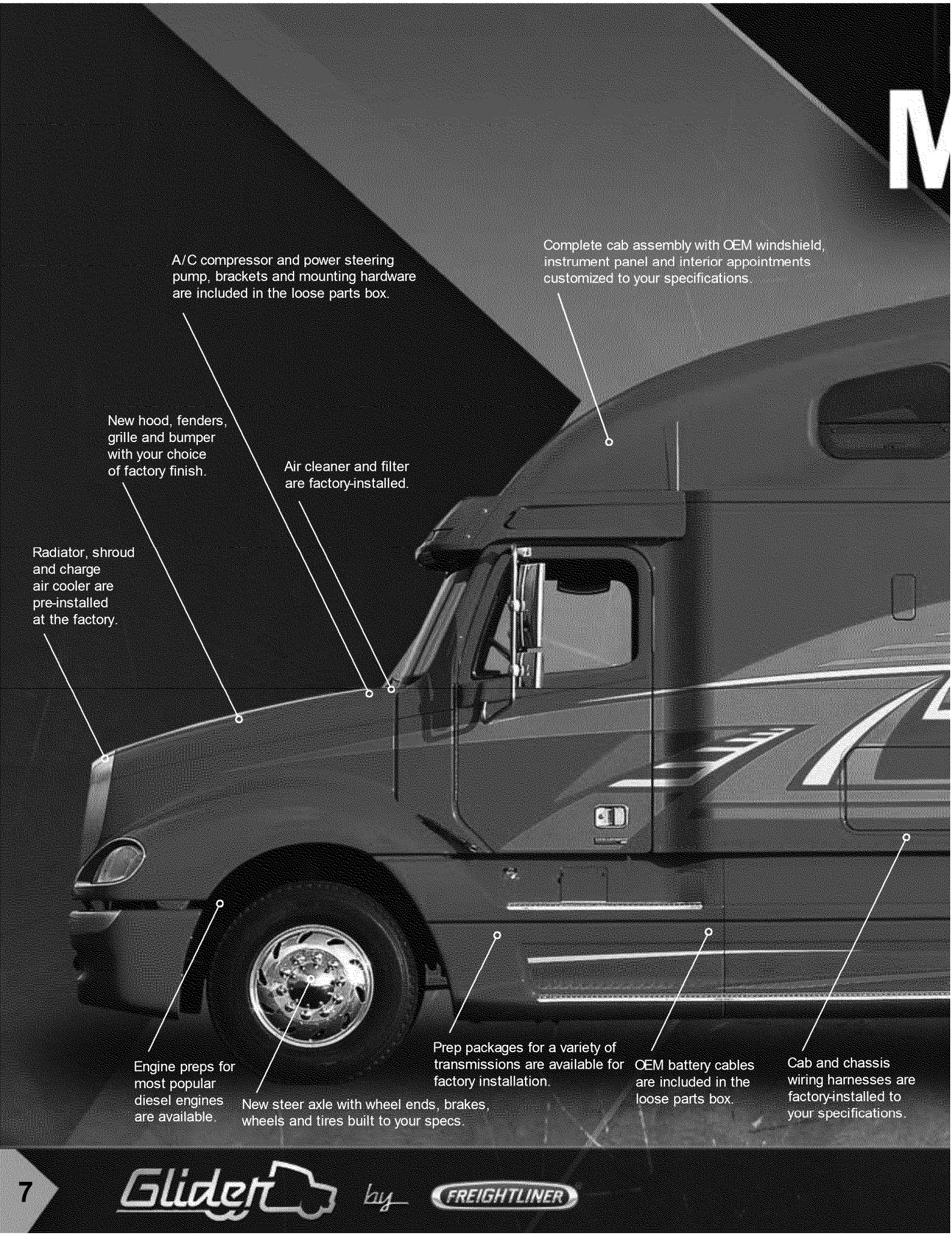
Your Freightliner dealer is the best resource for information about the tremendous value and lov of ownership that spec'ing a Glider represents. Freightliner dealers have the expertise, experience suppo rt that makes ordering your custom Glider a fast and flexible process.

mAny mODELS AvAILAbLE

Freightliner Gliders are available for all class 8 model configurations offered in the cur rent Fre product line, along with some class 6 and 7 models. some older models not cur rently offered as trucks may also be available as a Glider kit. Visit your Freightliner dealer for specific model availa

CATEGORY	ARGOSY	CASCADIA	COLUMBIA	CORONADO	M2
Engine Equipment	X	X	X	X	X
Transmission Equipment	X	X	X	X	X
Front Axle and Equipment	X	X	X	X	X
Alternator and Starter	X	X	X	X	X
Rear Axle and Equipment	X	X	X	X	X
Frame	X	X	X	X	X
Chassis Equipment	X	X	X	X	X
Front Hubs, Tires and Wheels	X	X	X	X	X
Cab and Equipment	X	X	X	X	X
Instruments and Controls	X	X	X	X	X
Cab Interior	X	X	X	X	X
Lighting and Electrical	X	X	X	X	X
Paint	X	X	X	X	X

A Glider kit includes nearly everything needed to build a complete tractor assembly.

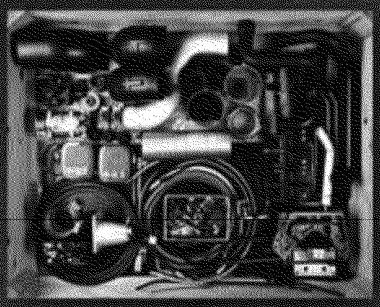

M
Complete cab assembly with OEM windshield, instrument panel and interior appointments customized to your specifications.
A/C compressor and power steering pump, brackets and mounting hardware are included in the loose parts box.
New hood, fenders, grille and bumper with your choice of factory finish.
Air cleaner and filter are factory-installed.
Radiator, shroud and charge air cooler are pre-installed at the factory.
Engine preps for most popular diesel engines are available.
New steer axle with wheel ends, brakes, wheels and tires built to your specs.
Prep packages for a variety of transmissions are available for factory installation.
OEM battery cables are included in the loose parts box.
Cab and chassis wiring harnesses are factory-installed to your specifications.

FREIGHTLINER GLIDER KITS ARE THE MOST COMPLETE AVAILABLE. ANYWHERE.

EvERyTHInG yOu nEED TO buILD A cOmpLETE TRuck

A Freightliner Glider kit is the best value in the market because the Glider, loose parts box and your recapitalized parts combined give you all the components required to get up and running quickly. kit contents are important when comparing gliders from other oeMs, because their unassembled Glider kit pricing may not include all the required components. The cost of additional parts and the labor to install them may add significantly to the total acquisition cost. with a Freightliner Glider kit, assembly labor time is reduced because the Glider assembly and loose parts box are so complete.

note: This list highlights some of the main Glider components and the parts contained in each loose parts box that is shipped with every Freightliner Glider kit. This list has been abbreviated for clarity. each Glider kit parts box will vary based on individual vehicle specifications.



OEM exhaust piping components and mounting hardware are included in the loose parts box.
EPA '98 – '04 engines only.

Stop, turn and back-up lights are included in the loose parts box with mounting brackets and fasteners.

New fuel tanks mounted to your specifications.

Factory chassis is built up along the same assembly line as new tractors.

You can spec an optional factory-installed remanufactured axle assembly, complete with wheels and tires, when you choose an engine prep kit.

Rear mud flaps, mounting brackets and hardware are included in the loose parts box.

GO WITH A GLIDER. FREIGHTLINER HAS YOU COVERED.

GLIDER WARRAnTy bAckED by fREIGHTLInER

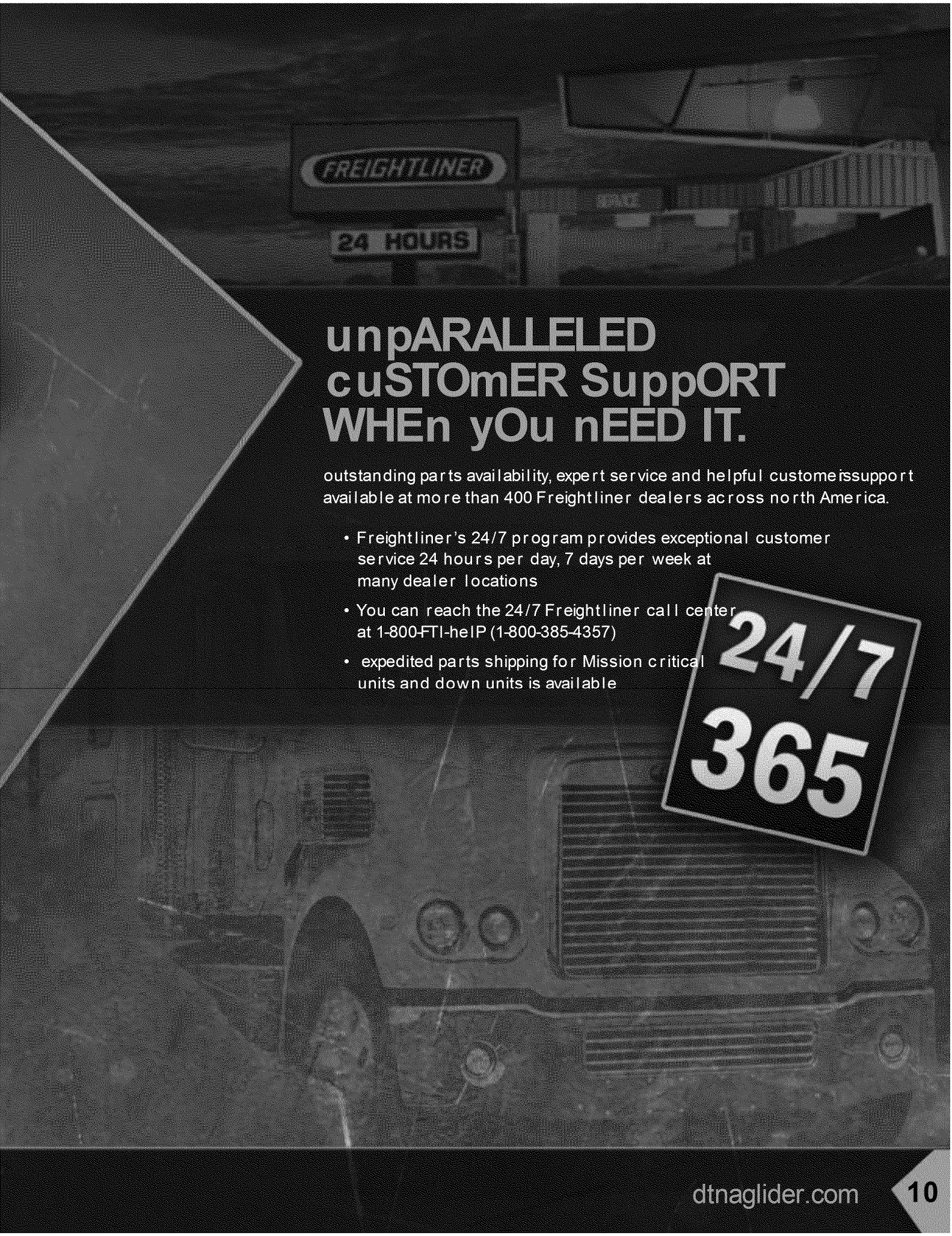
Glider kits are covered by Freightliner's warranty, a huge value and investment protection you just don't get with a used truck. every Glider comes with comprehensive warranty coverage. the coverage includes:

- 1 year / 100,000 miles on the basic vehicle, including 100% parts and labor
- 3 years / 300,000 miles on the cab structure
- 6 years / 750,000 miles on the frame and cross members
- extended service coverage is available

WARRANTIES

- ☐ 1 YR / 100,000
- ☐ 3 YRS / 300,000
- ☐ 6 YRS / 750,000

Glider by FREIGHTLINER



unpARALLELED cuSTOmER SuppORT WHEn yOu nEED IT.

outstanding parts availability, expert service and helpful customer support available at more than 400 Freightliner dealers across north America.

- Freightliner's 24/7 program provides exceptional customer service 24 hours per day, 7 days per week at many dealer locations
- You can reach the 24/7 Freightliner call center at 1-800-FTI-heIP (1-800-385-4357)
- expedited parts shipping for Mission critical units and down units is available

24/7
365

Glider by FREIGHTLINER

For the Freightliner Trucks Dealer nearest you, call 1-800-FTL-HELP or visit www.dtnaglider.com
DTNA/PSM-B-700. Specifications are subject to change without notice. Freightliner Trucks is registered to ISO 9001:2000 and ISO 14001:2004.

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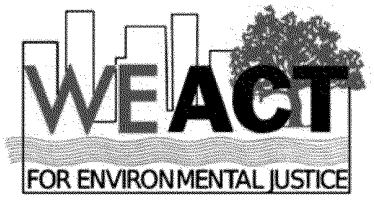
dtnaglider.com



January 5, 2017

s f bi b qo l k f pr fppfl k

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Wb m Je n Jl o J2014J0827

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c Ko K53I442 (k 16I2017)

The Environmental Defense Fund ("EDF"), Environmental Law & Policy Center ("ELPC"), and WE ACT for Environmental Justice ("WE ACT") respectfully submit these comments on the Environmental Protection Agency ("EPA")'s Proposed Rule, *Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*, 82 Fed. Reg. 53,442 (November 16, 2017) ("Proposed Rule"), addressing provisions contained in the agency's 2016 final rule, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2*, 81 Fed. Reg. 73478 (October 25, 2016) ("Phase 2 Standards").

EDF is a national nonprofit organization representing over two million members and supporters. Since 1967, EDF has linked science, economics, and law to create innovative, equitable, and cost-effective solutions to urgent environmental problems.

ELPC is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization working to improve environmental quality and protect our natural resources. ELPC's separate comments submitted into the docket detail how emissions from trucks will particularly affect people in the Midwest, which experiences some of the most intense freight truck traffic in the country.

WE ACT mobilizes low-income communities of color to make environmental change through advocacy, planning, and research. WE ACT's mission is to build healthy communities by ensuring that people of color and low income residents participate meaningfully in the creation of sound and fair environmental health and protection policies and practices.

EDF, ELPC, and WE ACT join the public health and environmental community, as well as major industry voices, in strongly opposing EPA's proposed repeal of these vital health safeguards. The comments below lay out the key factual issues related to the proposal and then articulate the numerous reasons why this proposed rule is unlawful. In particular, these comments demonstrate that:

- The proposed repeal would undermine overwhelmingly beneficial freight truck pollution standards, resulting in thousands of premature deaths from entirely avoidable exposure to glider vehicle pollution. New modeling detailed in these comments indicates that the Proposed Rule could lead to as many as 4,100 premature deaths in 2025 alone.
- Adopting an indefensible reading of the statute, the Proposed Rule fails to address the severe public health impacts from increased pollution from glider vehicles, the disproportionate risks to environmental justice communities, and the added burden states will face in achieving air quality standards in light of increased pollution from glider vehicles, among numerous other unexplored, pernicious implications.
- The proposal would advantage a narrow slice of the freight truck manufacturing industry by exempting them from vital safeguards—at the expense of public health in communities across the country as well as freight truck industry members that have responsibly invested in pollution controls.
- The proposal unlawfully violates both the agency's substantive duties under the Clean Air Act ("CAA" or the "Act") and minimum procedural requirements.

The comments below lay out the key factual issues related to the proposal and then articulate the numerous reasons why this proposed rule is unlawful. In particular, these comments demonstrate that:

q

I. EPA's Proposed Rule Will Have Severe Public Health Impacts. 6

a. The Proposed Rule allows for an unlimited increase in high-polluting, uncontrolled glider vehicles. 6

b. Untreated emissions from diesel engines seriously harm public health and the environment. 7

c. In its 2016 Final Rule, EPA found that glider vehicles emit extremely high amounts of NOx, $PM_{2.5}$, and diesel particulate matter, putting public health at risk. 10

d. EPA's latest testing demonstrates that glider vehicle emissions are even greater than previously estimated. 13

e. EPA issued its proposal before its new testing was even complete. 17

f. The TTU study that EPA invokes is unsupported and flawed. 17

K The TTU study fails to follow well established EPA emission measurement and testing protocols. 19

K The TTU Study's Conclusions are Not Supported by Its Own Test Results 20

K EPA's Own Memorandum and Study Further Contradict TTU's Conclusions 22

K TTU's relationship with Fitzgerald Glider Kits raises further concerns about the objectivity of the TTU study. 23

g. EDF modeling using revised emission factors based on EPA's recently published data indicates NOx and PM emissions from glider vehicles could exceed the emission inventory for all other heavy-duty vehicles in 2025. 24

h. Glider vehicles are not comparable to older, higher emitting vehicles. 29

i. Record evidence demonstrates that glider vehicle sales are at least 10,000 per year, if not higher, with potential for further growth. 31

II. The benefits of freight truck pollution standards substantially exceed the costs. 32

III. The Proposal has particularly harmful implications for communities already overburdened by diesel truck pollution..... 33

a. Environmental justice communities face barriers to public participation 33

b. The Proposal will disproportionately impact environmental justice communities and children. 34

IV. The Proposed Rule will impact other clean air programs, including states' ability to comply with the National Ambient Air Quality Standards 38

V. EPA has Clear Legal Authority under the CAA to Regulate Glider Vehicles. 41

a. EPA Clearly Has Authority to Regulate Glider Vehicles as New Motor Vehicles. 41

K Glider Vehicles are "New Motor Vehicles" under the Unambiguous Terms of the Statute 41

b. The Proposed Rule's new interpretation of section 202(a)(1) is unreasonable and impermissible. 43

K EPA's new interpretation is at odds with the statutory definition of "new motor vehicle" 44

K EPA's Proposed New Interpretation is Impermissibly at Odds with the Statutory Purpose and Structure 45

K EPA's proposed interpretation of section 202(a)(1) would have drastic, adverse consequences for the whole mobile source program, a consequence that EPA has not examined 47

K The Proposal's Account of Congress's Intent is a Speculative Invention and Ignores the Structure and Purposes of the CAA. 47

K EPA's Reliance on AIDA is Unavailing 50

c. EPA has explicit authority to regulate emissions from rebuilt heavy-duty engines. 53

K The Agency has not attempted to, and cannot, justify revocation of its exercise of rebuild authority 54

VI. EPA has clear authority to regulate glider kits. 55

VII. EPA's Proposed Repeal is Procedurally Deficient and Arbitrary and Capricious 58

a. Agencies must justify reversing the course of policy by addressing the existing record. . 58

b. EPA has utterly failed to address the existing record for the glider provisions, failing to properly justify the Proposed Repeal. 61

c. EPA has failed to justify the Proposed Repeal in light of the heavy-duty industry's reliance interests in maintaining the Phase 2 glider provisions. 62

d. EPA has failed to provide adequate notice of key issues. 63

e. The Proposal Fails to Consider, Let Alone Reasonably Address, an Array of the Factors Relevant to EPA's Decision. 65

VIII. EPA's process has been inappropriately rushed. 67

IX. The circumstances of this proposal strongly suggest that it was based on improper factors. 69

X. Claims of GHG and recycling benefits are unsupported and incorrect 71

XI. The Proposed Rule creates an unlevel playing field, allowing a subset of the freight industry to market their exemption from life-saving pollution protections. 73

a. The proposal will disadvantage mainstream truck dealers and manufacturers that are installing pollution controls, creating a competitive advantage for glider manufacturers based upon their ability to impose the costs of their vehicles' operations on the public. 74

K The glider industry has dramatically expanded due to a pollution loophole. 75

K Expanding sales of glider vehicles heightens the public health threat posed by this proposal. 76

K The Proposed Rule puts jobs and economic activity at risk. 77

K The freight truck industry predominately supports the Phase 2 Standards and has expressed concerns about this Proposed Rule. 78

b. EPA carefully considered the impact to the glider industry and small businesses in the Phase 2 Standards. 79

XII. EPA Should Not Otherwise Weaken the Glider Provisions 81

a. EPA Must Maintain the Current Compliance Date for Glider Vehicles 82

b. If Any Changes Are Made, EPA Should Lower the Glider Vehicle Production Limit 83

XIII. Conclusion 84

fK bm m o t e p m e f K

EPA's proposal to roll back the glider provisions of the Phase 2 Standards fails to consider the public health impacts of these highly polluting vehicles. Without common sense provisions ensuring that glider trucks achieve the same pollution standards that all other new freight trucks must achieve, these vehicles can use the "oldest, dirtiest, and deadliest" engines.[1] The Proposed Rule fails to mention, let alone consider, the substantial volume of criteria pollutant emissions from unregulated glider vehicles, and fails to consider the severe impacts to public health, including thousands of premature deaths, which would result were the proposal adopted. Indeed, the proposal was published before EPA could finish its own updated emissions testing that now further confirms the pollution burden posed by these vehicles.[2]

a. The Proposed Rule allows for an unlimited increase in high-polluting, uncontrolled glider vehicles.

Glider vehicles are diesel freight trucks manufactured by adding a donor engine and powertrain to a new truck chassis. A glider kit is the chassis, front axle, and body of the truck, before the engine and drivetrain are installed. EPA's 2016 Phase 2 Standards required that glider vehicles meet the same pollution standards as all other new diesel freight trucks,[3] in order to address the growing practice of using essentially uncontrolled, high-polluting pre-2002 model year engines as the donor engines in these vehicles.[4]

The practice of building a glider vehicle originated as a means of salvaging useful engines from otherwise wrecked vehicles. Before 2010, a few hundred of these glider vehicles were produced nationwide every year, commensurate with this traditional salvage type of use.[5] That same year, 2010, marked the advent of more protective EPA standards for heavy-duty diesel engines requiring emissions reductions of criteria pollutants, notably oxides of nitrogen (NOx) and particulate matter ($PM_{2.5}$), by 90% over earlier model year engines.[6] These standards reflect the improved performance of emissions control technology – including exhaust aftertreatment devices such as selective catalytic reduction and particle traps.[7] As EPA noted at the time, these new pollution reduction technologies "allow[ed] a major advancement in diesel emissions

[1] Statement by the Hon. Jamie Raskin (D. Md.), EPA public hearing on Proposed Rule (Dec. 4, 2017) https://raskin.house.gov/media/press-releases/rep-raskin-s-remarks-epa-public-hearing.
[2] As noted in Section VII below, EPA's failure to consider the public health and environmental impacts of the proposal render the proposal both substantively and procedurally unlawful.
[3] With certain tailored provisions and flexibilities, as discussed in greater detail in Section XI.
[4] See generally Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2; Final Rule, 81 Fed. Reg. 73,478, 73,517 (October 25, 2016) [Hereinafter "HDP2 Rule" or "Phase 2 Standards"].).
[5] *See id.*, at 73,941-43; 73,942 (Oct. 25, 2016).
[6] Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule, 66 Fed. Reg. 5001, 5002 (Jan. 18, 2001) ("This program will reduce particulate matter and oxides of nitrogen emissions from heavy duty engines by 90 percent and 95 percent below current standard levels, respectively.")
[7] *See* 66 Fed. Reg. at 5009, 5036 (Jan. 18, 2001).

control of a magnitude comparable to that ushered in by the automotive catalytic converter in the 1970's."[8]

Glider vehicle production increased significantly beginning in 2010, with glider vehicles typically using engines manufactured in 2002 and earlier,[9] taking advantage of a loophole that determined applicable emission standards based on the year the *engine* was manufactured rather than the vehicle, allowing new glider vehicles to be sold that failed to meet the current health-protective standards.

Glider vehicle production soared from a few hundred a year prior to 2010 to an estimated over 10,000 in 2016.[10] Current glider vehicle production rates appear to be even greater.[11] Glider vehicles sold with engines manufactured prior to EPA's more protective emission standards are dramatically more polluting than new trucks with modern engines, with significantly higher emissions of diesel particulate matter, $PM_{2.5}$, and ozone-forming NOx.

EPA addressed this loophole in the 2016 Phase 2 Standards by making freight truck pollution standards equally applicable to all freight trucks, based on the year the new freight truck is manufactured, regardless of the engine year.[12] EPA now proposes to repeal these provisions.

b. Untreated emissions from diesel engines seriously harm public health and the environment.

The exhaust emitted from diesel engines is among the most dangerous and pervasive sources of air pollution. It is a complex mixture of both gaseous and solid materials. The solid material is known as diesel particulate matter, most of which is fine particles or $PM_{2.5}$, and leads to a host of respiratory problems and thousands of premature deaths every year. Diesel particulate matter is typically comprised of carbon particles (soot) and cancer-causing toxic chemicals. Diesel exhaust also contains gaseous pollutants including smog-forming oxides of nitrogen as well as sulfur dioxide, which forms harmful fine particles and falls back to earth as acid rain.

K Diesel exhaust is classified as a probable and known human carcinogen, like asbestos, benzene, and cigarette smoke. The National Institute for Occupational Safety and Health, International Agency for Research on Cancer, Health Effects Institute, U.S. Department of Health and Human Services National Toxicology Program, and the U.S. Environmental Protection Agency have all determined that diesel exhaust is a probable or likely human carcinogen.[13] The California EPA

[8] *Id.* at 5009.
[9] HDP2 Rule, 81 Fed. Reg. at 73,518 n.93.
[10] *Id.* at 73,943.73943
[11] Testimony by Nuss Motors, EPA public hearing on glider proposal (December 4, 2017). See detailed discussion in Section I(i) below.
[12] HDP2 Rule, 81 Fed. Reg. at 73,941-47. With certain tailored provisions and flexibilities, as discussed in greater detail in Section XI.
[13] U.S. Environmental Protection Agency. 2002. Health Assessment Document For Diesel Engine Exhaust. May 2002. National Center for Environmental Assessment - Office of Research and Development. Washington, DC. EPA/600/8-90/057F (citing sources).

and the World Health Organization classify diesel exhaust as a known human carcinogen.[14]

K In addition to these assessments of the carcinogenic nature of diesel exhaust as a mixture of pollutants, many of the individual components of diesel exhaust have also been linked to cancer: for example, diesel constituents benzene and 1,3-butadiene are well-characterized human carcinogens, associated with increased risk of leukemia and lymphoma.[15] The American Cancer Society cohort study has identified an association between exposure to fine particles, sulfates and lung cancer.[16] Several chemicals present in diesel exhaust are known or suspected to increase breast cancer risk, particularly polycyclic aromatic hydrocarbons (PAHs).[17]

K Diesel air pollution adds to cancer risk all around the country. In many counties across the country, diesel emissions are the air toxic with the highest contribution to cancer risk. For example, a 2003 assessment in the Seattle area found that diesel soot (a component of diesel particulate matter, or PM) accounts for somewhere between 70-85 percent of the total cancer risk from all air toxics.[18] And in the South Coast Air Basin, which includes Los Angeles, diesel exhaust has accounted for about 84 percent of the cancer risk from air toxics, according to a 2008 study.[19] In 2011, New Jersey ranked diesel exhaust particulate matter as having the greatest relative cancer risk statewide among air toxics.[20] In California's San Joaquin Valley alone, one report estimated that diesel pollution caused more than 250 premature deaths in 2004.[21]

K Because diesel air pollution is a complex mixture of chemicals, exposure to diesel air pollution is considered to contribute to a wide range of non-cancer health effects, including adverse pulmonary effects,[22] pulmonary disease, cardiovascular

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[14] World Health Organization, Public health round-up, 90 Bulletin of the World Health Organization 477-556. (July 2012), http://www.who.int/bulletin/volumes/90/7/12-010712/en/; International Agency for Research on Cancer, IARC: Diesel Engine Exhaust Carcinogenic (Jun. 12, 2012), *available at* https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf; CARB, Overview: Diesel Exhaust and Health (last reviewed Apr. 12, 2016), https://www.arb.ca.gov/research/diesel/diesel-health.htm.

[15] Melnick RL, Huff JE. 1993. 1,3-Butadiene induces cancer in experimental animals at all concentrations from 6.25 to 8000 parts per million. IARC Sci. Publ. 309-322; National Toxicology Program (NTP). 1993. NTP Toxicology and Carcinogenesis Studies of 1,3-Butadiene (CAS No. 106-99-0) in B6C3F1 Mice (Inhalation Studies). 434:1-389; Snyder R. 2002. Benzene and leukemia. Crit. Rev. Toxicol. 32:155-210; Smith MT, Jones RM, Smith AH. 2007. Benzene exposure and risk of non-Hodgkin lymphoma. Cancer Epidem. Biomark. Prev. 16:385-391.

[16] Pope CA 3rd, Burnett RT, Thun MJ, Calle EE, Krewski D, Ito K, Thurston GD. 2002. Lung cancer, cardiopulmonary mortality, and long-term exposure to fine particulate air pollution. JAMA. 287(9):1132-41.

[17] Brody JG, Moysich KB, Humblet O, Attfield KR, Beehler GP, Rudel RA. 2007. Environmental pollutants and breast cancer: epidemiologic studies. Cancer. 109:2667-2771.

[18] Puget Sound Clean Air Agency, Final Report: Puget Sound Air Toxics Evaluation (Oct. 2003) at ES-4, http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.398.5739&rep=rep1&type=pdf.

[19] South Coast Air Quality Management District, Final Report: MATES III (Sep. 2008) at ES-3, http://www.aqmd.gov/home/library/air-quality-data-studies/health-studies/mates-iii/mates-iii-final-report.

[20] New Jersey Department of Environmental Protection, Air Toxics in New Jersey: Diesel Emissions (2011), http://www.nj.gov/dep/airtoxics/diesemis.htm.

[21] Anair, D. and P. Monahan. 2004. Sick of Soot: Reducing the Health Impacts of Diesel Pollution in California. Cambridge, MA: Union of Concerned Scientists. June.

[22] Peden DB. 2002. Pollutants and asthma: role of air toxics. Environ. Health Perspect. 110:565-568.

effects, neurotoxicity, low birth weight in infants, premature births, congenital abnormalities, and elevated infant mortality rates.[23]

- **K** Diesel air pollution is a major source of harmful fine particles, also known as $PM_{2.5}$, both from direct emission as well as through PM formed in the atmosphere from gaseous diesel emissions. Particulate matter, or soot, can aggravate respiratory conditions such as asthma and chronic bronchitis and has been associated with cardiac arrhythmias (heartbeat irregularities), heart attacks and premature mortality. People with heart or lung disease, the elderly, and children are at highest risk from exposure to particulate pollution.[24] Current ambient concentrations of particulate matter are a health risk in many locations throughout the country. As with other diesel engines, heavy-duty vehicles emit substantial quantities of $PM_{2.5}$, which contribute to these significant health risks.
- **K** Diesel air pollution contributes to harmful smog levels. Diesel air pollution components—particularly oxides of nitrogen, or NOx—are major precursors to ozone formation, commonly known as smog.[25] The mobile source sector as a whole is responsible for more than half of all NOx emissions in the U.S.[26]
- **K** High ozone levels cause acute respiratory problems, aggravated asthma, decreased lung function, inflammation of lung tissue, an increase in hospital admissions and emergency room visits for respiratory causes. Children with asthma are most at risk. Ozone is also associated with premature death.[27]
- **K** Diesel air pollution impairs visibility.[28] The same fine particles that have adverse health effects cause the haze that pollutes scenic vistas in our National Parks, which more than 330 million people visited in 2016.[29]
- **K** Diesel air pollution threatens ecosystems across the country. The constituents of diesel exhaust contribute to the acid rain that continues to harm sensitive

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Delfino RJ. 2002. Epidemiologic evidence for asthma and exposure to air toxics: linkages between occupational, indoor, and community air pollution research. 110:573-589.

[23] Krivoshto IN, Richards JR, Albertson TE, Derlet RW. 2008. The Toxicity of Diesel Exhaust: Implications for Primary Care. J Am Board Fam Med. 21:55– 62.

[24] American Lung Association, Particle Pollution, http://www.lung.org/our-initiatives/healthy-air/outdoor/air-pollution/particle-pollution.html (last accessed Jan. 4, 2018).
.http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=35356

[25] U.S. Environmental Protection Agency, Air Emission Sources, Jun. 2, 2017, https://www.epa.gov/air-emissions-inventories/air-emissions-sources (accessed Dec. 30, 2017)..

[26] U.S. Environmental Protection Agency, Air Emission Sources: National Summary of Nitrogen Oxides Emissions, Feb. 10, 2017, https://www3.epa.gov/cgi-bin/broker?polchoice=NOX&_debug=0&_service=data&_program=dataprog.national_1.sas (accessed Dec. 30, 2017)..

[27] Bell ML, Peng RD, Dominici F. 2006. The exposure-response curve for ozone and risk of mortality and the adequacy of current ozone regulations. Environ Health Perspect. 114(4):532-536.
Bell ML, McDermott A, Zeger SL, Samet JM, Dominici F. 2004. Ozone and short-term mortality in 95 US urban communities, 1987-2000. JAMA. 292(19):2372-2378.
Levy JI, Chemerynski SM, Sarnat JA. 2005. Ozone exposure and mortality: an empiric bayes metaregression analysis," Epidemiol. 16(4):458-468.

[28] *See, e.g.*, Hyslop, Nicole Pauly. 2009. Impaired visibility: the air pollution people see. Atmospheric Environment 43:182-195.

[29] National Park Service, Frequently Asked Questions, https://www.nps.gov/aboutus/faqs.htm (last accessed Jan. 4, 2018).

ecosystems, including those in the Adirondack Mountains, southern Appalachians and high elevation ecosystems in the western United States.[30]

K *In its 2016 Final Rule, EPA found that glider vehicles emit extremely high amounts of NOx, $PM_{2.5}$, and diesel particulate matter, putting public health at risk.*

Multiple presidential administrations have repeatedly updated and advanced heavy duty truck emission standards, a reflection of the urgent need for these standards and overwhelming evidence of their significant public health benefits.[31] Today's new heavy-duty trucks are at least 90 percent cleaner than those manufactured just a decade ago thanks to more protective emissions standards adopted by EPA in 2000 and phased in from 2007 to 2010.[32] These improvements have had dramatic benefits for air quality. According to experts from the International Council on Clean Transportation:

> In just the past 10 years, EPA's actions have led to a greater than 50% drop in PM2.5 and NOx emissions from the country's on-road vehicle fleet. Put that a different way: about a third of the total PM2.5 reduction across all pollution sources since 2007, and more than half of the total NOx reduction, have come from cleaning up heavy truck exhaust. As a result, air quality in the US has improved substantially: average concentrations of PM2.5 and ozone have dropped by 35% and 13% over that same time frame.[33]

This progress is at risk from the pollution emitted by glider vehicles, as EPA found in its 2016 Phase 2 Standards, and which new evidence further underscores.

The old engines installed in typical glider vehicles lack basic emission controls. For example, Fitzgerald Glider Kits, one of the largest manufacturers of glider vehicles in the country,[34] predominantly uses engines that were manufactured before 2002,[35] and thus lack both exhaust gas recirculation (EGR) and exhaust aftertreatment. EPA included this factual finding in its 2016

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[30] EPA, About Diesel Fuels, https://www.epa.gov/diesel-fuel-standards/about-diesel-fuels (last accessed Jan. 4, 2018).

[31] *See, e.g.*, Control of Emissions of Hazardous Air Pollutants from Mobile Sources, 65 Fed. Reg. 48,057 (Aug. 4, 2000); Control of Emissions of Hazardous Air Pollutants From Mobile Sources, 66 Fed. Reg. 5001 (Jan. 18, 2001); Control of Hazardous Air Pollutants From Mobile Sources, 72 Fed. Reg. 8427 (Feb. 26, 2007); HDP2 Rule, 81 Fed. Reg. 73,478 (Oct. 25, 2016).

[32] Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule, 66 Fed. Reg. 5001, 5002 (Jan. 18, 2001); *see also* HDP2 Rule, 81 Fed. Reg. at 73,942 (Oct. 25, 2016).

[33] Rachel Muncrief and Josh Miller, Scott Pruitt's EPA wants to resurrect the dirty diesel, ICCT Blog (Dec. 1, 2017), https://www.theicct.org/blog/staff/glider-proposal-means-resurrecting-dirty-diesel.

[34] Fitzgerald Glider Kits, *About Fitzgerald*, https://www.fitzgeraldgliderkits.com/about-fitzgerald (last accessed Dec. 29, 2017); Tom Berg, *The Return of the Glider*, Truckinginfo, Apr. 2013, http://www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx.

[35] See, e.g. Tom Berg, The Return of the Glider, TruckingInfo.com, Apr. 2013, http://www.truckinginfo.com/article/story/2013/04/the-return-of-the-glider.aspx (describing the engines used by Fitzgerald as Detroit's 12.7-liter Series 60 from the 1999 to 2002 era, as well as "pre-EGR 14-liter Cummins and 15-liter Caterpillar diesels.").

Final Rule;[36] more recently, it similarly concluded in a November 2017 memo in the record that "[n]early all engines for recent glider production are 1998-2002 pre-EGR engines."[37]

As a result, EPA estimated in the 2016 Phase 2 Standards that glider vehicles can have NOx and PM emissions 20–40 times higher than current engines.[38] EPA also estimated in the 2016 Phase 2 Standards that if left unregulated, by 2025, glider vehicles would emit nearly 300,000 tons of NOx and nearly 8,000 tons of PM annually.[39] Assuming 10,000 uncontrolled glider vehicles are sold annually between 2017 and 2025, glider vehicles would comprise only 5% of the heavy trucks on the road but would account for one third of all NOx and PM emissions from the heavy truck fleet.[40]

The additional pollution that EPA's proposed rescission of glider protections would enable is substantial. For comparison, based on EPA's 2016 estimates, the amount of NOx pollution emitted over the life of just one year of sales of glider vehicles is ten times greater than all of the NOx emitted by all the "defeat device" Volkswagen vehicles in the U.S. combined.[41] One of the most significant recent programs to address NOx emissions, the Cross State Air Pollution Rule Update, is expected to reduce 75,000 tons of NOx every year; EPA estimated that without glider vehicle pollution standards, glider NOx emissions in 2025 would be four times that amount.[42] These massive quantities of NOx emissions translate to more frequent and more serious smog incidences around the country—aggravating asthma and other serious respiratory conditions.

Table XX shows EPA's 2016 estimate of the annual volume of glider vehicle emissions in comparison to other major regulations and events.

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[36] HDP2 Rule, at 942-43.
[37] Redacted Letter from Charles Moulis to William Charmley, Nov. 15, 2017, EPA-HQ-OAR-2014-0827-2379, available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2379.
[38] HDP2 Rule, 81 Fed. Reg. at 73,943.
[39] HDP2 Rule, 81 Fed. Reg. at 73,943; see also HDP2 Response to Comments Section 14 Appendix A.
[40] HDP2 Rule, 81 Fed. Reg. at 73,943; see also HDP2 Response to Comments Section 14 Appendix A.
[41] Compare HDP2 Response to Comments at 1964, https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF (1,000 MY 2017 glider vehicles would emit 41,500 more tons of NOx over their lifetime compared to vehicles with new engines) with Guillaume P Chossière et al. 2017. Public health impacts of excess NOx emissions from Volkswagen diesel passenger vehicles in Germany. Environ. Res. Lett. 12 034014 (estimating 36.7 million kg in excess NOx emissions from Volkswagen vehicles in the U.S. between 2008 and 2015, converted to 41,000 tons of NOx).
[42] Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 81 Fed. Reg. 74,504, 74,573, (Oct. 26, 2016), available at https://www.gpo.gov/fdsys/pkg/FR-2016-10-26/pdf/2016-22240.pdf; HDP2 Rule, 81 Fed. Reg. at 73,943.

q XXK kl b

	kl b fppfl kp obar qfl kp xqmY
ci bbqt fab di fa bo s be f i b b fppfl kp l s b l kqol i i bs bi p	190,231 TONS IN 2025[1] 318,615 TONS IN 2040[1]
bm ol ppJpq qb fo ml i i r qfl k o r i b r ma qb	75,000 IN 2017 (ANNUAL)[2] 61,000 IN 2017 (OZONE SEASON)[2]
bm qfbo 3 l ql o s be f i b b fppfl k ka c r bi pq ka o a p	264,369 TONS IN 2018[3] 328,509 TONS IN 2030[3]
s t kl bX bpp	11,200 TONS IN 2015[4]

q i b kl q b pW

[1] EPA Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2 Response to Comments for Joint Rulemaking, Aug 2016, Appendix A, p. 1962

[2] EPA Regulatory Impact Analysis of the Cross-State Air Pollution Rule (CSAPR) Update for the 2008 National Ambient Air Quality Standards for Ground-Level Ozone, September 2016, p. ES-8

[3] EPA Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards Final Rule RIA, EPA-420-R-14-005, March 2014, p. ES-7

[4] S.R.H. Barrett et al., Envtl. Res. Lett. 10 (2015) doi:10.1088/1748-9326/10/11/114005 □

Based on its 2016 estimates, EPA performed a risk analysis that found that each model year of glider vehicle sales would be associated with up to 1,600 premature mortalities over the lifetime of the vehicles.[43] EPA recognized that the assessment was conservative because it considered only the health impacts of fine particulate emissions — not the carcinogenic diesel particulate – and does not consider health effects of ozone formation attributable to these vehicles' high NOx

[43] HDP2 Response to Comments Section 14 Appendix A.

emissions. It also assumes production of 10,000 glider vehicles per year but states that this number is probably low, based on public comments to EPA.[44]

d. EPA's latest testing demonstrates that glider vehicle emissions are even greater than previously estimated.

EPA recently undertook more emission testing at EPA's National Vehicle Fuel and Emissions Laboratory (NVFEL) to refine its data on glider emissions. EPA's newly released updated testing data, which the Proposed Rule fails to acknowledge, indicate that the threat to human health posed by glider trucks is even more serious than EPA found in its 2016 Final Rule.[45]

The test program was comprehensively documented in a November 20, 2017, 40-page test report that included detailed information and data on the test vehicles, test cycles, emission measurement procedures, test fuels, test conditions, quality control and assurance measures, and emission test results.[46] The results of EPA's full chassis dynamometer testing of two glider vehicles and two compliant tractors manufactured in 2014 and 2015 showed that NOx emissions from the glider vehicles were as much as 43 times higher than the compliant vehicles. Particulate emissions ranged as much as 450 times higher than modern, compliant freight trucks.[47] In fact, while testing glider trucks for particulate emissions, EPA had to adjust the flow of exhaust through their system because the levels were so high that the sensor could not effectively measure them.[48]

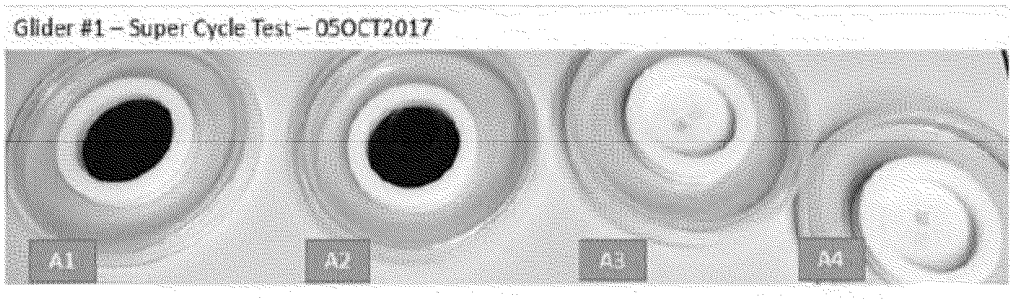

Figure 9: PM Filters from Glider #1 testing over the Super Cycle Test[2]

Source: EPA. One visible indication of the pollution burden associated with glider vehicles: the PM filters used to measure emissions from one of the glider vehicles that EPA tested show filters

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[44] HDP2 Response to Comments at 1877. Glider truck annual sales figures are discussed in greater detail in Section 1(i) below.
[45] U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, Docket No. EPA-HQ-OAR-2014-0827-2417, https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417.
[46] *Id.*
[47] *Id.* at 3.
[48] *Id.* at 14-15, Figure 9.

blackened from PM. According to EPA's report, "[t]he PM sampling equipment shut down at phase 2" because the filters were "overloaded with PM" so filters A3 and A4 were not used.[49]

The testing applied a variety of testing cycles in order to mirror actual use patterns for these vehicles. These are the same test cycles used for certification testing. While the level of disparity between emissions from glider vehicles versus from recent model year freight trucks varied based on the pollutant and test cycle, EPA found that "criteria pollutant emissions (NOx, PM, HC, CO) from the … glider vehicles were consistently higher than those of the conventionally manufactured 2014 and 2015 tractors."[50]

The International Council on Clean Transportation (ICCT) evaluated the health implications from these updated pollution figures. ICCT found that if the sales of glider trucks continue to grow, even at a moderate level,[51] they would emit an additional 1.5 million tons of NOx and 16,000 tons of PM emissions, equivalent to more than $12 billion in health damages over the next decade.[52] Estimated premature mortalities and other health effects would thus be correspondingly higher.

These findings underscore that thousands of Americans will die prematurely due to entirely avoidable exposure to glider vehicle emissions should this damaging Proposed Rule be finalized.

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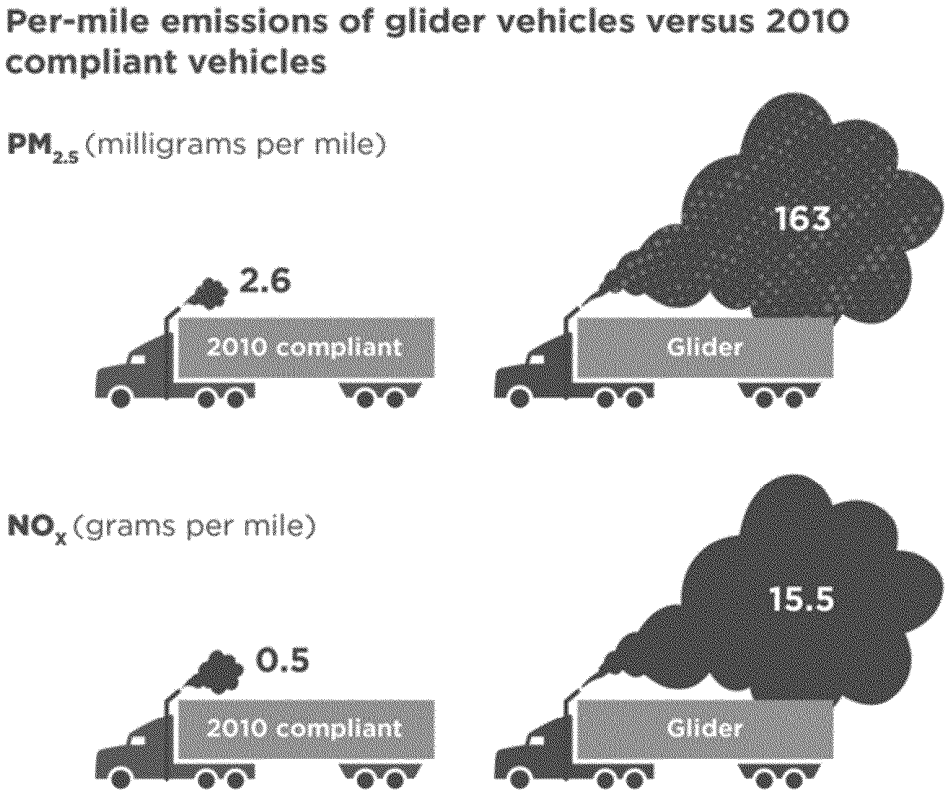
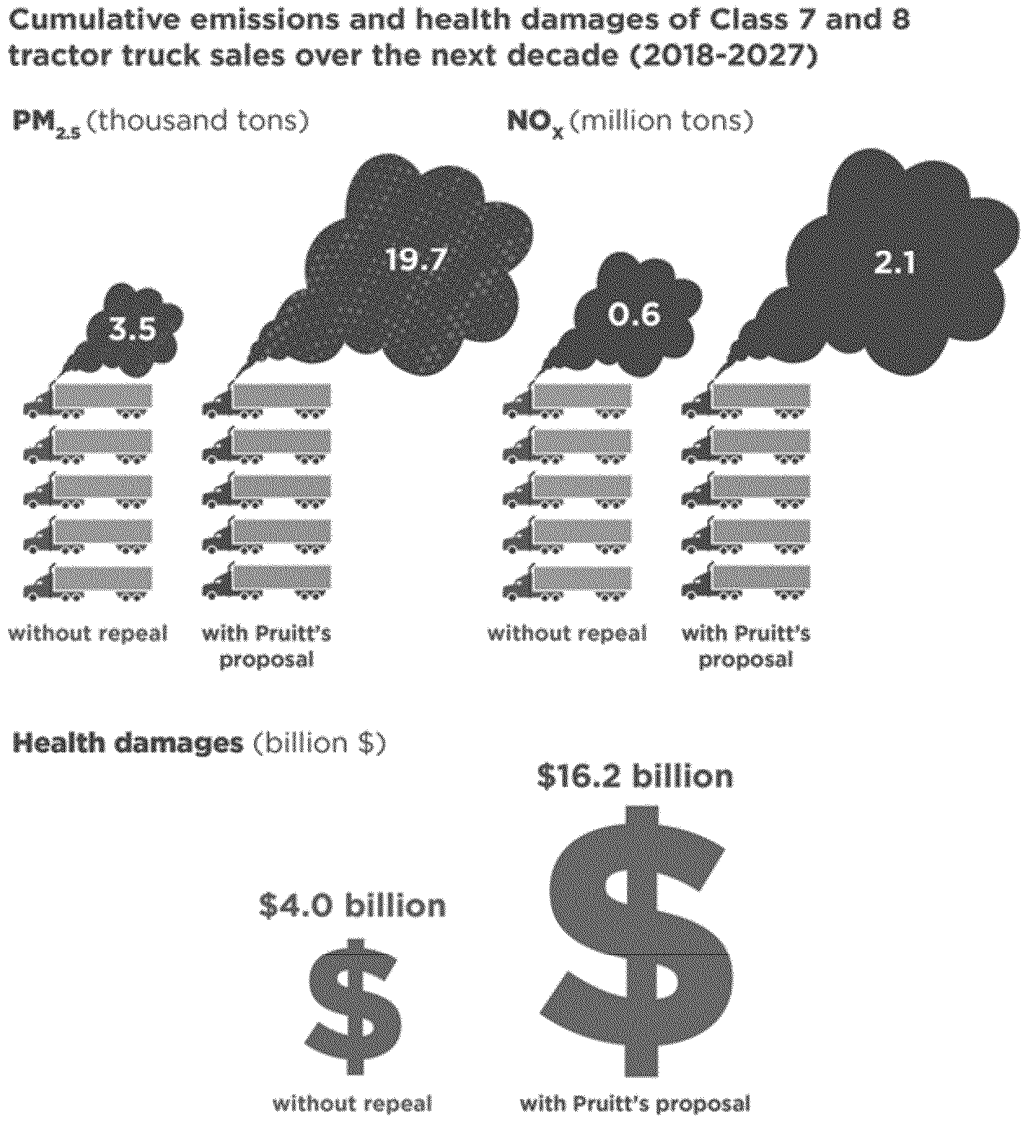
[49] *Id.* at 14, 15, Figure 9.
[50] *Id.* at 3.
[51] As discussed in greater detail in Section 1(i), record evidence indicates the strong likelihood that glider sales could indeed continue to grow.
[52] Rachel Muncrief and Josh Miller, Scott Pruitt's EPA wants to resurrect the dirty diesel, ICCT Blog, Dec. 1, 2017, https://www.theicct.org/blog/staff/glider-proposal-means-resurrecting-dirty-diesel (accessed Dec. 30, 2017).



Source: ICCT[53]

[53] *Id.* (Note: "Per-mile emissions of glider vehicles versus 2010 compliant vehicles. Results are derived from chassis dynamometer testing conducted by US EPA's National Vehicle & Fuel Emissions Laboratory (November 20, 2017). Results reflect a 95% weighting of highway activity (55 and 65 mph cycles) and 5% weighting of transient activity (ARB transient) for a test vehicle with a combined weight of 60,000 pounds (including the tractor, trailer, and payload)."); U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, Docket No. EPA-HQ-OAR-2014-0827-2417, https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417.).



Source: ICCT.[54]

[54] *Id.* (Note: "Cumulative emissions and health damages of Class 7 and 8 tractor truck sales over the next decade (2018-2027). Estimates without repeal assume glider vehicle sales without 2010 emissions compliant engines drop to 1,000 units per year from 2018 to 2020 and to zero starting in 2021. Estimates with Pruitt's proposal assume sales of glider vehicles with pre-2002 engines are permitted to grow from approximately 10,000 units per year in 2015 to 17,400 units per year in 2027 (10.4% of total sales). Annual total sales and vehicle-miles traveled by tractor-trailers are sourced from US EPA's Motor Vehicle Emission Simulator (MOVES2014). Monetized health damages (in billion 2017 $) are equal to ICCT estimates of direct PM2.5 and NOX emissions from Class 7 and 8 tractor trucks sold in 2018 and later, multiplied by US EPA estimates of damages per ton of direct emissions from on-road mobile sources in 2016. Damages in future years are converted to present value terms using a discount rate of 5% per year.").

e. EPA issued its proposal before its new testing was even complete.

EPA issued the Proposed Rule on November 16, 2017, before the agency published its own testing on November 20, 2017.[55] The Proposed Rule does not refer to, rely on, or explain the agency's own latest findings with respect to glider vehicle emissions.

The Proposed Rule arbitrarily and unlawfully moves towards repealing these common sense protections without meaningfully considering the potential emissions impact. Instead of considering EPA's latest testing, which underscores the serious pollution impacts from this proposal, or engaging with EPA's considered conclusions in the 2016 Phase 2 Standards, the Proposed Rule's only mentions of emission impacts or pollution levels are references to an unsupported and flawed letter from Tennessee Technological University ("Tennessee Tech" or "TTU"), discussed in further detail in Section 1(f) below.

These aspects of the proposal demonstrate EPA has failed to consider properly supported technical data, science and expertise that show these actions put the health of American families at risk. This and numerous other omissions render the proposal arbitrary, capricious and unlawful, as discussed further in Section VII.

f. The TTU study that EPA invokes is unsupported and flawed.

Tennessee Tech conducted a research project from September 2016 to November 2016 to assess "the environmental and economic impact" of EPA's emission requirements for glider vehicles, glider engines, and glider kits.[56] The project and its results were summarized in a June 15, 2017, letter from TTU to U. S. Congressman Diane Black of Tennessee.[57] The letter was authored by Philip B. Oldham and Thomas Brewer, President and Associate Vice President of TTU, respectively. In turn, this study was cited in a July 10, 2017 petition from several glider vehicle manufacturers as a basis for requesting EPA to reconsider its recently finalized rules affecting glider vehicles and their engines.[58]

In its proposal to repeal the emission requirements for glider vehicles, glider engines, and glider kits, EPA explicitly discussed the TTU study and summarized the study's conclusions verbatim without presenting its own independent assessment and critique of the study.[59] The agency's Proposed Rule fails to mention an EPA memo to the docket that summarizes a telephone meeting that EPA staff members had with TTU representatives to discuss testing methodologies, facilities, and test equipment used to generate the data summarized in the July 10, 2017

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[55] U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017 at 3, Docket No. EPA-HQ-OAR-2014-0827-2417.
[56] July 10, 2017 Petition for Reconsideration of Application of the Final Rule Entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 Final Rule" to Gliders, from Fitzgerald Glider Kits, LLC; Harrison Truck Centers, Inc.; and Indiana Phoenix, Inc. (July 10, 2017), EPA–HQ–OAR–2014–0827, Exhibit 1, *available at* https://www.epa.gov/sites/production/files/2017-07/documents/hd-ghg-fr-fitzgerald-recons-petition-2017-07-10.pdf (hereinafter "Reconsideration Petition").
[57] Reconsideration Petition, Exhibit 1.
[58] Reconsideration Petition.
[59] 82 Fed. Reg. 53,444.

petition[60]--even though this memo raises serious concerns about how the study was conducted that bear directly on the rigor and credibility of the study's conclusions. Furthermore, EPA indicated in this memo to the docket that the agency had requested additional information via email from TTU as a follow-up to the meeting.[61] No mention of this request is included in the Proposed Rule nor is there any documentation of TTU's response to this request, if any, in the docket. Similarly, an email from EPA Office of Transportation and Air Quality Director William Charmley to TTU Associate Vice President Tom Brewer dated December 1, 2017 was posted to the regulatory docket on December 29, 2017.[62] The email indicates that EPA possesses "more detailed emissions data that [TTU] provided in the excel spreadsheet on November 17." This information is neither referenced in the Proposed Rule nor available in the docket.

In contrast, the Agency arbitrarily ignored its own testing of two glider vehicles, discussed in detail above. The EPA test program represents the most comprehensive and rigorous assessment of the emission impacts of glider vehicles performed to date and available in the record. It was conducted on modern equipment, using certification test protocols and appropriate test cycles, with documented test conditions, results, and all other relevant information. Not only does this study confirm and expand EPA's analysis of the harmful glider vehicle emission impacts included in the heavy-duty Phase 2 Standards -- indicating that emission levels of diesel particulate may be even higher than EPA initially estimated in the 2016 Final Rule -- it also directly contradicts the results of the TTU study.[63]

The TTU study and its conclusions raise a number of serious concerns, such that any reliance on this study would constitute legal error.[64] First, the TTU study documentation that is available to the public fails to provide sufficient detail to determine the veracity of its conclusions. Second, the results do not support the conclusions presented in the glider manufacturers' petition for reconsideration or in EPA's Proposed Rule. Finally, a comparison with the Agency's own studies contradicts TTU's findings, further undermining its credibility. We discuss these concerns in more detail below.

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[60] Memorandum, EPA Teleconference with Tennessee Tech University Regarding Glider Test Report Summarized in June 2017 Letter; Tennessee Tech University – Summary of Heavy Duty Truck Study and Evaluation of the Phase II Heavy Duty Truck Rule, Nov. 13, 2007, Docket No. EPA-HQ-OAR-2014-0827-2416, *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2416 (hereinafter "EPA TTU Memo").

[61] *Id.* at 4. On November 29, 2017, EDF submitted a Freedom of Information Act request to EPA for records related to the TTU testing data and other emissions testing of glider vehicles, EPA-HQ-2018-002121. Our request for expedited processing was denied. On December 15, 2017, EDF appealed the denial. We have not yet received a determination on our appeal. EPA has not yet produced any records responsive to the request. EDF has also partnered with the Southern Environmental Law Center ("SELC") to seek relevant testing data from TTU. SELC submitted a public records request pursuant to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-503, on December 4, 2017. TTU denied the request on the grounds that disclosure of the requested records was prohibited under a state law that provides that sponsored research shall not be open for public inspection unless released by the sponsor, Tenn. Code Ann. § 49-7-120(b)(5).

[62] Email from William Charmley to Tom Brewer, Doc. ID: EPA-HQ-OAR-2014-0827-4272, available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4272.

[63] Phase 2 Standards, Appendix A to Section 14 of the Response to Comments for Joint Rulemaking, Pgs 1960-1968

[64] *See Sierra Club v. U.S. Army Corps of* Engineers, F.2d 1011 (2d Cir. 1983) (invalidating an EIS for "bad faith" reliance on faulty data).

K The TTU study fails to follow well established EPA emission measurement and testing protocols.

TTU claimed in a 4-page summary test report that it tested "thirteen heavy-duty trucks on a common chassis dynamometer at a common site; eight trucks were remanufactured engines and five were OEM 'certified' engines, all with low mileage." This short statement represents all that is said by TTU to describe its testing. The report presents (1) no details on the specifics of the test vehicles (e.g., model year, mileage, and condition), (2) no information on test cycles, test conditions, test loads, and test fuels, (3) no information on the testing facilities (e.g., test equipment, calibration and maintenance practices, and quality assurance procedures), (4) no information on emission test protocols, and (5) no meaningful data on the pollutants of interest, such as NOx and PM.

The TTU test summary does not conform to standard engineering and scientific operating practices in reporting results from vehicle and engine emission testing. Any use of the report's conclusions based on the deficient and incomplete information that is publicly available would be arbitrary and capricious. Yet the Proposed Rule cites and includes its conclusions.

The only numeric data presented by TTU are carbon monoxide levels for the 13 trucks it tested.[65] The test data show that the test vehicles in all cases have CO levels substantially below the standard for that pollutant. This result is what would have been expected since diesel engines have inherently low CO emission levels. Notably, these results—the only real data described by TTU from the study—are irrelevant to claims that TTU made with regards to NOx and PM emissions.[66] Nonetheless these claims were subsequently quoted in the glider manufacturers' petition for reconsideration to EPA.[67]

Regarding PM levels from glider vehicles, TTU's letter indicated that the PM levels for all 13 test vehicles were "below the threshold detection point" and, consequently, no test data were presented.[68] This is a misleading statement. In fact, TTU did not measure PM at all. EPA staff confirmed in a recent discussion with TTU representatives (including Thomas Brewer, one of the authors of the TTU June 15, 2017 test summary letter), that TTU had not measured PM levels.[69] Instead, TTU had attempted to draw conclusions concerning PM levels via visual inspection and collected no PM emission data.[70] The report's conclusion that "[a]ll vehicles met the standard" for PM[71] is simply not supported by TTU's testing because TTU conceded (only after follow-up inquiry) that it did not even measure PM emission levels for any of the test vehicles.

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[65] Reconsideration Petition, Exhibit 1 Appendix A.
[66] *Id.* at Exhibit 1 pg 2, (concluding that "glider kit HDVs would emit less than 12% of the total NOx and PM emissions, not 50%, for all Class 8 HDVs," without providing any underlying analysis).
[67] *Id.* at pg. 5 (quoting the TTU finding on NOx and PM).
[68] *Id.* at Exhibit 1 Appendix A.
[69] EPA TTU Memo at 3 ("TTU stated that no particulate matter samples were collected during testing. The sample probe filter used with the Enerac M500 was visibly inspected for particulate matter. Particulate quantification was subjective in that it was visual only. TTU stated that they performed a smoke test but did not elaborate.").
[70] Id.
[71] Reconsideration Petition at Exhibit 1 pg 1.

Finally, the TTU letter indicated that for NOx, "all tested engines were higher than the standard and ranged from a low of 0.44 to a high of 6.45."[72] Without explanation, TTU omitted any vehicle-specific NOx emission results; the only exception is a brief mention that a proprietary Fitzgerald engine design and set up had the lowest tested NOx emissions, without any detail on the nature of the engine design or set up, most notably whether it included modern pollution controls, or what test cycles and procedures were used. One would expect that the higher NOx levels would be associated with the Detroit Diesel Series 60 and CAT CT13 engines (no longer produced) as opposed to the more recently introduced Detroit Diesel DD15, but there is no way of knowing, since TTU did not report individual vehicle test values. Furthermore, NOx levels would be highly dependent on test cycle and load conditions, and given that TTU did not provide this type of information, there is no way of evaluating their results. Accordingly, the TTU conclusion that "none of the vehicles met the standards" cannot be independently verified, and the degree to which any tested emissions exceeded the standards cannot be calculated, from the wholly inadequate information it has provided.

KThe TTU Study's Conclusions are Not Supported by Its Own Test Results

TTU reached the following conclusions: (1) "optimized and remanufactured 2002-2007 engines and OEM 'certified' engines performed equally as well and in some instances out-performed the OEM engines," (2) "a glider remanufactured engine achieved the best result of any engine tested (see Appendix A)," and (3) " remanufactured and OEM engines experience parallel decline in emissions efficiency with increased mileage."[73] Subsequently the glider industry cited these same conclusions in their reconsideration petition as support for their request for EPA to repeal glider provisions included in the heavy-duty Phase 2 final rule.[74] These conclusions, however, are not supported by the data supplied in the summary of the test program prepared by TTU.

First, TTU has not provided sufficient description of its test program to allow an independent assessment of their conclusions. As noted in the preceding section, the only vehicle specific numeric data provided were CO emission levels.[75] But CO emissions are not the pollutant of concern for EPA for the purpose of the Phase 2 Standards or this Proposed Rule. The pollutants of concern — the ones creating the manifest public health hazard — are NOx and PM. Thus, TTU's proffered conclusion that a glider vehicle achieved "the best result"—if based on the CO emission results, which is never clarified—is entirely misleading.

Second, the implication of conclusion (1) above is that the MY2002-2006 glider vehicles have the same NOx and PM emissions as late model, fully compliant vehicles.[76] The publicly

[72] *Id.* at Exhibit 1 Appendix A,.
[73] *Id.*
[74] *Id.* at 5,.
[75] *Id.* at Exhibit 1 App. A.
[76] EPA TTU Memo. All of the OEM trucks listed in Appendix A of TTU's memo are equipped with Detroit Diesel's DD15 engine. *Id.* Since this engine was first introduced in 2007, *see* Detroit Diesel Corporation, *World-Class in Every Respect: Detroit Diesel DD15 Debuts* (Oct. 19, 2007) *available at* https://demanddetroit.com/our-company/media/press-releases/detroit-diesel-corporation-ddc-to-manufacture-2005-02-23, all of these trucks should be installed in post-MY2007 trucks. Essentially all trucks after MY2007 are equipped with particulate traps which reduce PM emissions by more than 90%compared to pre-2007 trucks. *See* U.S. EPA, Memorandum in Reponse to

available information provides no evidence to substantiate this claim. As described above, TTU did not measure PM emission levels from any of the trucks and conceded that any inspection was "subjective"; accordingly, it is not possible for TTU to draw any conclusions regarding PM. Meanwhile, TTU inexplicably did not report any individual vehicle NOx emission test values. More generally, the summary report omits vital information on testing conditions that are essential to interpret and verify the report. Given that post-MY2007 trucks are equipped with exhaust aftertreatment, which inherently reduces NOx and PM emissions substantially compared to pre-MY2007 engines, it is not possible for this implied conclusion to be true unless the aftertreatment device was malfunctioning. The publicly available information provides no information to substantiate the implied claim that MY2002-2006 glider vehicles have the same NOx and PM emissions as late model, fully compliant vehicles.

Third, NOx and PM emissions levels are heavily impacted by test cycles and because of this EPA has carefully developed representative engine and vehicle test cycles and conditions to ensure accurate characterization of in-use emissions from heavy-duty vehicles and engines.[77] The test points and procedures that TTU used and later provided to the EPA by TTU are clearly inappropriate for use in assessing the in-use emissions from glider vehicles.[78] Their test points are clearly not representative of real truck operation: transient operation testing was not conducted; vehicle preconditioning is not appropriate; and the load and speed test points are arbitrary. Based on what TTU reported, it appears that they simply sampled emissions under a series of steady state test points, that even if measured properly, cannot be used to reach conclusions on engine/vehicle in-use emission performance.

Conclusion (3) also claims that emissions from both glider vehicles and "OEM" vehicles "decline in emission efficiency" with mileage. It appears that TTU is making the point that emissions performance deteriorates with increased mileage. This observation is irrelevant to the question of the emission impact of glider vehicles. This observation is irrelevant to the question of the emission impact of glider vehicles vis a vis trucks equipped with modern pollution controls. It is well established that emission levels generally increase with use not only for trucks but for all other mobile source categories. Furthermore, the design of the TTU test program does not allow an accurate assessment of in-use deterioration. To do so would have required the testing of the same vehicle over time or the testing of multiple vehicles of the same configuration with different accumulated mileages. The publicly available information on TTU's study provides no indication that TTU performed this type of testing.[79]

The record thus demonstrates that the TTU study does not support any conclusions related to the NOx and PM emission impacts of glider vehicles and engines. Its summary of the testing does not provide a sufficient level of detail to allow an independent review and validation of TTU's

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Petition for Rulemaking to Adopt Ultra-Low NOx Standards for On-Highway Heavy-Duty Trucks and Engines at 12 (Dec. 2016) *available at* https://www.epa.gov/sites/production/files/2016-12/documents/nox-memorandum-nox-petition-response-2016-12-20.pdf. Similarly, MY2010 and later trucks are equipped with NOx aftertreatment which reduces NOx emissions by 90% or more compared to pre-2007 trucks. *Id.*

[77] *See* 40 CFR part 86; 40 CFR part 1065; 40 CFR part 1036. *See also* EPA, Vehicle and Fuel Emissions Testing, Dynamometer Drive Schedules, https://www.epa.gov/vehicle-and-fuel-emissions-testing/dynamometer-drive-schedules (last visited Jan. 5, 2018).

[78] EPA TTU memo at 3 and Attachment B.

[79] *Id.* at p. 3 and Attachment B.

conclusions. The evidence in the record demonstrates that TTU's test program did not conform to well-established and standardized testing protocols and methods, TTU did not measure PM emissions, and the conclusions were presented in an inappropriate manner. As discussed in Section 1(f)(iii) below, subsequent follow up with TTU demonstrated that the Fitzgerald test facility is not properly configured to enable compliance with official EPA heavy-duty test procedures. Also, the fact that TTU's study was funded by a glider manufacturer, Fitzgerald Glider Kits, and TTU used a Fitzgerald test facility raises a clear appearance of conflict of interest, as discussed further below in Section 1(f)(iv). For these reasons, it would be arbitrary and capricious for the Agency to rely on the TTU report to support its Proposed Rule or any future deliberations regarding glider vehicles and engines.

K EPA's Own Memorandum and Study Further Contradict TTU's Conclusions

EPA included in the docket a memo from agency staff which described a telephone meeting with representatives from TTU to discuss the TTU test program.[80] The memo indicates that the testing was conducted at a Fitzgerald facility located in Rickman, Tennessee and performed by TTU staff and students. Based on Fitzgerald's website, this facility is a "collision and repair facility."[81] Based on publicly available information, this facility does not appear to be equipped to conduct testing in conformity with EPA established and standardized test methods and procedures for emission testing heavy-duty trucks, which were developed to mirror true in-use operation.[82] EPA's memo indicates that the facility, test equipment, and test procedures used by TTU were not consistent with what would be required to comply with EPA's well-established certification quality emission testing protocols, which are in widespread use in the emission characterization testing and evaluation field.[83] For example, the handheld emission analyzer, Enerac 500, used by TTU to measure emissions, is not an approved analytical technique under EPA's regulations and the resolution and accuracy specifications listed in the Enerac's own documentation does not meet the requirements as specified in EPA's testing regulations.[84] The EPA staff memo further confirms that TTU did not even measure one of the critical pollutants in question: particulate matter. The EPA memo provides additional evidence that the TTU work is inadequate and highlights some of the above described deficiencies of the TTU study.

As described above, EPA also included in the docket a staff technical report that summarized in detail the results from EPA's own emission testing of two glider vehicles equipped with remanufactured diesel engines originally certified in model years 1998 to 2002.[85] In contrast to

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[80] EPA TTU Memo.
[81] https://fitzgeraldcollision.com/freightliner-facility/
[82] *See* 40 CFR part 86; 40 CFR part 1065; 40 CFR part 1036. *See also* EPA, Vehicle and Fuel Emissions Testing, Dynamometer Drive Schedules, https://www.epa.gov/vehicle-and-fuel-emissions-testing/dynamometer-drive-schedules (last visited Jan. 5, 2018); National Renewable Energy Laboratory, Drive Cycle Analysis Tool – DriveCAT, https://www.nrel.gov/transportation/drive-cycle-tool/ (last visited Jan. 5, 2018).
[83] See 40 CFR part 1065; 40 CFR part 1036.
[84] See 40 CFR part 1065; EPA TTU memo Attachment on Enerac 500.
[85] U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, Docket No. EPA-HQ-OAR-2014-0827-2417, https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417.

TTU's less than four-page letter, EPA's 40-page test report carefully described all aspects of testing and provided all relevant emission data collected as part of the test program. The EPA test program confirmed earlier estimates of glider vehicle emissions included in the heavy-duty Phase 2 Standards and found that results were "consistent with expected emissions performance of heavy-duty diesel engines manufactured in the 1998-2002 timeframe." EPA also found that both glider vehicles tested had emission levels that were "consistently higher than those of conventionally manufactured 2014 and 2015 tractors." In fact, EPA's testing found that glider vehicles had (1) NOx emissions that were as much as 43 times higher than 2014 and 2015 tractors under cruise conditions, (2) PM emissions that were as much as 55 times higher than 2014 and 2015 tractors under cruise conditions, and (3) PM emissions that were 50 to 450 times higher than 2014 and 2015 tractors under transient conditions.[86]

EPA inexplicably failed to consider both documents in its Proposed Rule even though both the staff memo and the test report were available at the time or shortly after the Proposed Rule was issued. Instead, EPA presented the results of the TTU test program unchallenged even though the Agency had information that demonstrated that the TTU study was flawed and also possessed EPA test data that refuted it. Going forward, EPA must fully reflect this information and data in its glider vehicle deliberations.

K. TTU's relationship with Fitzgerald Glider Kits raises further concerns about the objectivity of the TTU study.

The TTU study was funded by Fitzgerald Glider Kits, which has also recently entered into a new partnership with TTU.

TTU's financial reports show that in June, 2016, Fitzgerald Glider Kits gave a grant of $70,056 for the study,[87] and then later in September, 2016, Fitzgerald Glider Kits gave an additional grant of $12,500.[88] As discussed above, an EPA memo to the record indicates that the testing took place at a Fitzgerald facility.[89]

Additionally, in August 2017, Philip Oldham and Thomas Brewer announced TTU's "new partnership" with the Fitzgerald companies and another higher education institution.[90] As part of this partnership, the new Fitzgerald Technology Complex will be constructed in the Fitzgerald Industrial Park, in White County, Tennessee.[91] The Complex will house TTU's Center for

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[86] *Id.* at 3.
[87] Tenn. Tech. University Office of Research, *Tennessee Technological University Annual Report 2015-16 (Volume 2)* 42 (2016), *available at* https://www.tntech.edu/assets/userfiles/resourcefiles/13847/1476976572_2015-16%20Annual%20Report_FINAL.pdf.
[88] Tenn. Tech. University, *Grants Rewarded Report* (09/01/2016 – 09/30/2016), *available at* https://www.tntech.edu/assets/userfiles/resourcefiles/9512/1481215150_Grants%20Awarded%20Sept%202016.pdf; *see also* Tenn. Tech. University, *Academic Affairs Highlights* 25 (2017), *available at* https://www.tntech.edu/assets/usermedia/provost/12546/2017_End_of_the_Year_Statement.pdf.
[89] EPA TTU Memo at 2.
[90] https://www.tntech.edu/news/releases/tennessee-tech,-tcat-livingston,-fitzgerald-companies-announce-new-partnership.
[91] *Id.*

Intelligent Mobility[92] The 80,000 square foot Center will be completed in 2018.[93] Fitzgerald Collision & Repair also announced a new vocational program that will offer students from the partnership "training in commercial fleet truck maintenance and repair." [94] The cost of the new facility in White County and how much money each entity in the partnership will contribute to the project was not announced.

EPA must base its decision-making on its expert judgment, relying on the best available science and evidence.[95] TTU's materials fall far short, providing insufficient rigor or transparency to substantiate the conclusions they claim. EPA's invocation of this information as support for this rulemaking is legal error.

g. EDF modeling using revised emission factors based on EPA's recently published data indicates NOx and PM emissions from glider vehicles could exceed the emission inventory for all other heavy-duty vehicles in 2025.

As described above, EPA included in its 2016 Phase 2 Standards an analysis of the environmental impacts of glider vehicles.[96] EPA found that glider vehicles would have NOx and PM emissions 20-40 times higher than current vehicles and that these excess emissions would result in numerous and significant adverse health effects including premature mortality.[97] EPA projected the excess emissions and adverse health impacts associated with glider vehicles assuming glider sales would reach and then plateau at 10,000 units per year (about 5% of sales of Class 8 trucks[98]). EPA thus assumed that if glider vehicles continued to be exempted from pollution standards, sales volumes would not increase from current levels.

However, in the Phase 2 Standards, EPA acknowledged that glider vehicle sales could be greater than the 10,000 unit estimate,[99] and several stakeholders who testified at EPA's December 4, 2017 hearing indicated that if the glider provisions were repealed, sales would be much higher.[100] In fact, several truck dealers and truck repair facilities testified that gliders sales could reach 25 to 30% of annual truck sales.[101]

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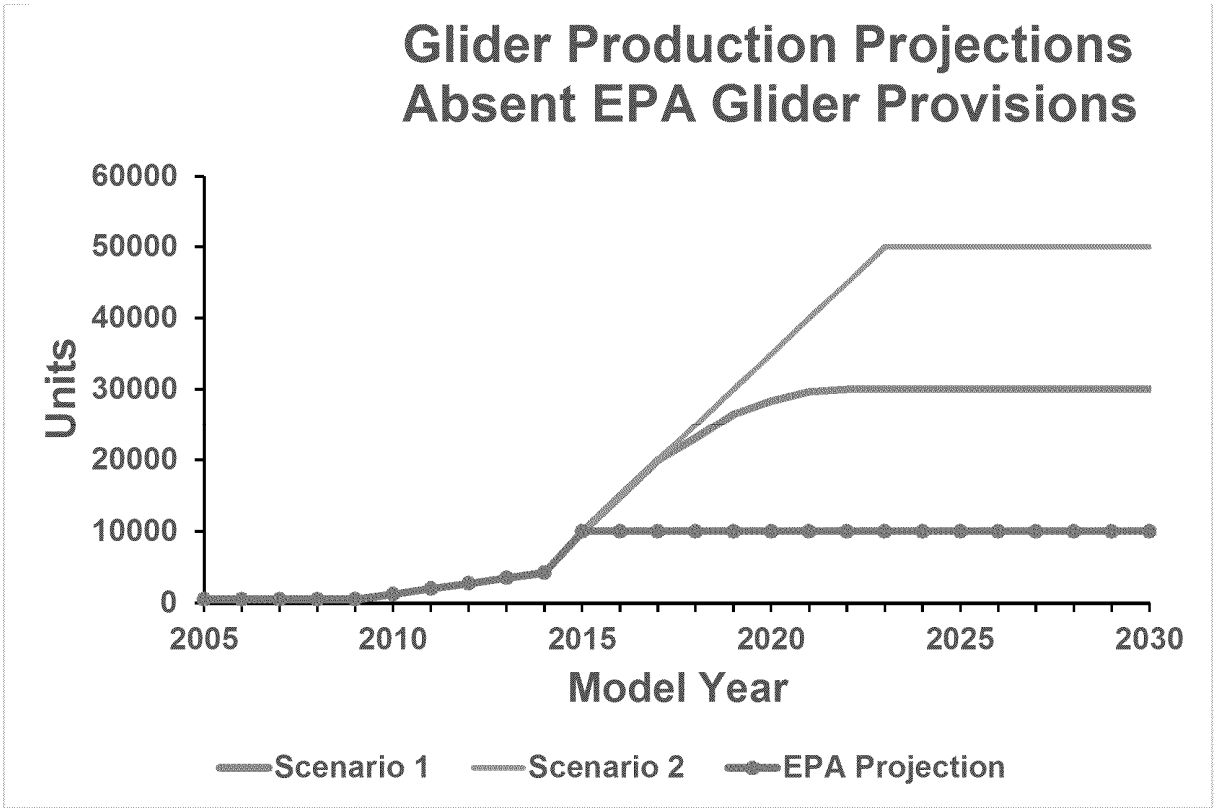
[92] *Id.*
[93] Laura Militana, *Tennessee Tech Center for Intelligent Mobility Announced*, Cookeville Herald Citizen (Jan. 5, 2018), *available at* http://herald-citizen.com/stories/tennessee-tech-center-for-intelligent-mobility-announced,22605.
[94] *Id.*
[95] *Motor Vehicles Manufacturers Ass'n v. State Farm*, 463 U.S. 29, 43 (1983).
[96] HDP2 Response to Comments pp. 1960-1968.
[97]HDP2 Rule, 81 Fed. Reg. at 73,943.
[98] Statista, U.S. Class 8 truck sales fro m2007 to 2016, by brand (in 1,000s), https://www.statista.com/statistics/245369/class-8-truck-sales-by-manfuacturer/ (last visited Jan. 5, 2018); FleetOwner, Class 8 orders continue to roll (Aug. 3, 2017), available at http://www.fleetowner.com/trucks/class-8-orders-continue-roll.
[99] HDP2 Rule, 81 Fed. Reg. at 73,943; HDP2 Response to Comments pg. 1960.
[100] Testimony of John C. Doub, TMI Truck and Equipment, Docket ID No. EPA-HQ-OAR-2014-0827-4285 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285 ("If [EPA repeals the glider provisions], our lost sales to Glider Kits each Month could grow from the 10% it is today to what could be 30+%.").
[101] *See, e.g.*, Testimony of Michael P. McMahon, McMahon Truck Centers, Docke t ID No. EPA-HQ-OAR-2014-0827-4300 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4300 ("We estimate losing approximately 25% of our annual New Truck retail volume to Glider Kits.").

EDF has conducted an analysis to ascertain the emission and health impact of higher glider vehicles sales projections. As we show below, these deleterious impacts are substantial. NOx and PM emissions from glider vehicles could approach or exceed the entire NOx and PM emission inventory for all other heavy-duty vehicles in 2025. The results of this analysis are summarized below and presented in detail in Appendix X.

Consistent with the testimony presented at the hearing, we analyzed two additional sales scenarios, peaking at 30,000 and 50,000 units per year respectively. The record suggests that the on-road heavy-duty diesel fleet has not even reached equilibrium with respect to any of the sale scenarios analyzed above including EPA's—underscoring that glider vehicles could continue to increase as a fraction of the on-road fleet for decades. The graph below shows these two sales scenarios compared with the projection used by EPA.



In analyzing the impact of the above scenarios, we followed EPA's methodology including the use of EPA's per vehicle emission estimates for gliders described in Appendix A to the Response to Comments to the extent possible.[102] Our methodology and assumptions are described in detail in Appendix X which is attached to our comments. The table below presents the NOx and PM impacts for both Scenario 1 (30,000 glider units produced per year by 2022) and Scenario 2

[102] HDP2 Response to Comments pp. 1960-1968.

(50,000 glider units produced per year by 2023). The EPA emission impacts for 10,000 units is also presented for comparison purposes.

d h b f r q p p (r p)						
	EPA Sales Scenario		Sales Scenario 1		Sales Scenario 2	
2025	NOx	PM	NOx	PM	NOx	PM
Without Controls	295,000	7800	727,723	19,241	1,004,698	26,565
With Controls	104,800	2750	131,766	3,458	131,766	3,458
Difference	190,200	5050	595,957	15,784	872,933	23,107
2040						
Without Controls	371,100	9960	1,078,731	28,952	1,745,242	46,841
With Controls	52,600	1410	64,406	1,726	64,406	1,726
Difference	318,600	8550	1,014,325	27,226	1,680,836	45,114

The emission impacts as estimated by EPA's modeling, assuming static glider sales, are already extremely consequential. The deleterious NOx and PM impacts associated with EPA's Proposed Rule if glider sales grow, as they are expected to do, are even more substantial. If sales grow to 30,000 units by 2022 (or about 15% of tractor sales), the NOx impacts from glider vehicles will be larger than the entire NOx inventory for all heavy-duty vehicles in 2025. By 2040, the impacts will be more than double the entire heavy-duty inventory in 2040.[103] The NOx increases from glider vehicles will offset, in the 2025 to 2040 timeframe, about a third of the total reductions expected to occur due to the application of aftertreatment to heavy-duty diesel vehicles.[104]

The PM increase due to glider vehicles will represent about 60% and more than 80% and of the entire PM inventory for all heavy-duty vehicles in 2025 and 2040, respectively.[105] Similarly, the expected PM increases will offset, in the 2025 to 2040 timeframe, about 25% of the reductions expected from EPA's 2007/2010 aftertreatment standards for heavy-duty vehicles.[106] For Scenario 2 (50,000 units by 2023 or about 25% of total tractor sales) results are even more damaging. The impacts are at least 50% larger in all cases compared to Scenario 1 impacts. Overall, in 2025, the benefits that would accrue from ensuring glider vehicles achieve modern pollution standards increase 3.1 to 4.6 times depending on the scenario and compared to EPA's final rule benefit estimates. In 2040, the benefits increase 3.2 to 5.3 times.

[103] Regulatory Impact Analysis: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Sulfur Control Requirements, December 2000, EPA420-R-00-026, pg II-136.
[104] Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule, 66 Fed. Reg. 5031 (Jan. 18, 2001).
[105] Regulatory Impact Analysis: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Sulfur Control Requirements, December 2000, EPA420-R-00-026, pg II-126.
[106] Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule, 66 Fed. Reg. 5032 (Jan. 18, 2001).

Our modeling also assessed the health impacts associated with these emissions. In the Phase 2 Standards, EPA estimated that ensuring 5,000 to 10,000 2017 glider vehicles meet modern pollution standards would prevent 350-1,600 premature mortalities over the lifetime of the vehicles, leading to $PM_{2.5}$-related health benefits valued at $1.5 to 11.0 billion.[107]

EPA's estimates were based on a relationship between annual emissions from 17 distinct emission sources and PM-related health impacts (and their monetary benefits).[108] These relationships were developed using a three-step process, described as follows in EPA's report[109]:

1) Use source apportionment photochemical modeling to predict ambient concentrations of primary PM2.5, nitrate and sulfate attributable to each of 17 emission sectors across the Continental U.S. (On-road emission sources are one of the 17 sectors addressed by the modeling);
2) For each sector, estimate the health impacts, and the economic value of these impacts, associated with the attributable ambient concentrations of primary PM2.5, sulfate and nitrate PM2.5 using the environmental Benefits Mapping and Analysis Program (BenMAP v4.0.66);
3) For each sector, divide the PM2.5-related health impacts attributable to each type of PM2.5, and the monetary value of these impacts, by the level of associated precursor emissions. That is, primary PM2.5 benefits are divided by direct PM2.5 emissions, sulfate benefits are divided by SO_2 emissions, and nitrate benefits are divided by NOx emissions.

This modeling tool was developed for use in support of various actions being considered or taken by EPA.[110] It provides mid-range health effects and benefits, as opposed to worse-case estimates (e.g., 90th or 95th percentile effects).[111] According to EPA, this methodology does not account for cancer due to diesel PM exposure (a likely human carcinogen) nor does it account for reductions in premature mortality and other benefits resulting from exposure to other criteria pollutants (e.g. ozone).[112] The unquantified ozone related benefits are likely significant given the large NOx impacts from glider vehicles.[113] For a detailed discussion of the methodology please refer to Appendix X and EPA's Response to Comments.[114]

The table below shows the results of applying EPA's above-described methodology to the alternative glider sale scenarios in calendar year 2025. This analysis represents the impact on

[107] HDP2 Response to Comments pg. 1965.
[108] Technical Support Document, "Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors," U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, January 2013.
[109] *Id.* At 3.
[110] HDP2 RTC pg. 1968.
[111] Technical Support Document, "Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors," U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, January 2013, pg 3.
[112] HDP2 RTC pg. 1968.
[113] *Id.*
[114] HDP2 Response to Comments pp. 1960-1968.

2025 emissions and their related health effects from ensuring that 2018 and later glider vehicles meet existing pollution standards. We also performed this analysis using an alternative, comparable EPA model referred to as COBRA.[115] The results of this analysis produced health impacts that were very similar to EPA's methodology described above. The detailed results can be found in Table 8 of Appendix X to these comments.

e e f	d h	2025
Glider Kit Sales Scenario	EPA	Scenario 1	Scenario 2
Emission Reductions due to Controls: NOx	190,200	596,497	873,960
(U.S. tons per year) PM	5,050	15,798	23,134
Monetized NOx+PM Benefits ($2013 billion)	3.2-8.0	10.0-24.9	14.6-36.5
Premature Mortality	396-914	1240-2862	1816-4162
Morbidity			
Respiratory emergency room visits	228	715	1,047
Acute bronchitis	630	1,973	2,889
Lower respiratory symptoms	8,070	25,271	37,015
Upper respiratory symptoms	11,700	36,643	53,672
Minor Restricted Activity Days	321,892	1,008,045	1,476,488
Work loss days	54,134	169,528	248,309
Asthma exacerbation	29,028	90,906	133,151
Cardiovascular hospital admissions	151	471	690
Respiratory hospital admissions	124	388	569
Non-fatal heart attacks (Peters)	477	1,493	2,187
Non-fatal heart attacks (All others)	52	162	237

Under EPA's 10,000-per-year sales projections, the health benefits from the Phase 2 glider provisions are valued at $3.2-8.0 billion in 2025. Under Scenario 1 and Scenario 2, the $PM_{2.5}$ health benefits of ensuring glider vehicles achieve modern pollution standards are even more substantial, at least $10 billion to nearly $40 billion per year.

Even though EPA's sales projection of 10,000 glider vehicles is probably conservative, it still shows health impacts that are very substantial. If the Proposed Rule is finalized, evidence suggests that glider vehicle sales would likely grow beyond current levels (10,000 units). For these higher sales scenarios, our analysis shows that the NOx impacts will be greater than the entire NOx inventory for heavy-duty vehicles and excess PM emissions will be 60 to 80% of the entire inventory in the 2025 to 2040 timeframe. The estimated monetized health costs (from

[115] COBRA was developed specifically for use in local and state assessments of energy and environmental programs. The steps used in its development are very similar to those listed above for the regulatory impact analysis tool used by EPA. One relevant aspect of COBRA is that on-road mobile sources are broken down into several categories, including heavy-duty diesel vehicles. *See* User's Manual for the Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA), Version: 3.0, U.S. EPA, September 2017.

$PM_{2.5}$ reductions alone) that would come from of ensuring glider vehicles achieve modern pollution standards ranges from at least $10 to $40 billion in calendar year 2025. It is arbitrary and unlawful for the agency to be considering rolling back the regulations on glider vehicles without considering these dramatic public health implications, as discussed further in Section VII.

h. Glider vehicles are not comparable to older, higher emitting vehicles.

The Agency solicits comment on the issue of whether glider vehicles are "less polluting than the older trucks they would replace" and also solicits comment on whether "a glider vehicle is … a suitable option for those small businesses and independent operators who cannot afford to purchase a new vehicle, but who wish to replace an older vehicle with a vehicle that is equipped with up-to-date safety features."[116] This solicitation rests on multiple flawed premises.

First of all, Section 202 requires EPA to reduce pollution from new motor vehicles, as discussed in detail in Section V below. The agency cannot discharge that duty by simply asserting that new vehicles are less polluting than old vehicles, regardless of which classes of vehicles are in direct competition. In any event, the factual circumstances here make clear that equating new glider vehicles to used, highly polluting freight trucks is not an appropriate comparison.

Warrantees that are offered for glider vehicles are comparable to those for other model year 2017 class 8 trucks, covering hundreds of thousands of miles and several years.[117] By comparison, used, end of life freight trucks would not offer the same possibility for guaranteed additional miles of use. Taking old, ready-to-retire trucks off the road and replacing them with glider vehicles would yield significant additional mileage of operation and therefore substantial additional volumes of PM and NOx.

Glider vehicles are advertised as "brand new trucks."[118] The website of one glider company states: "The advantages really stack up to make a glider kit a great option when purchasing a new truck."[119] The fully built trucks listed for sale on the same company's website are listed as "NEW."[120] A different glider company's website states that a "Glider Kit comes to you as a

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[116] HDP2 Rule, 82 Fed. Reg. 53447-448.

[117] Appendix C; Fitzgerald Glider Kits, Warranty Options, https://www.fitzgeraldgliderkits.com/warranty (last accessed Jan. 3, 2018) (offering warranties of 3 years/300,000 miles or 5 years/500,000 miles for glider vehicles); Peterbilt Cummins, Every Coverage: North American Truck Coverages For 2017 X15™ And ISX12 Engines (Jan. 2017), https://peterbilt.cummins.com/brochure-download.aspx?brochureid=1443 (indicating a base warranty of 2 years/250,000 miles, plus additional protection plans for 3-6 years/100,000-600,000 miles, for new freight trucks); *see also* Peterbilt Cummins, List of Warranties and Extended Coverage, https://peterbilt.cummins.com/warranty (last accessed Jan. 3, 2018); National Truck Protection, Warranty Plans – NTP Standard Plans, http://www.ntpwarranty.com/warranty-plans (last accessed Jan. 3, 2018) (offering a 3 years/300,000 miles independent warranty for new or used freight trucks).

[118] *See* Appendix D, E; *See* HDP2 Rule, 81 Fed. Reg. at 73514 (quoting Fitzgerald website at the time of the rulemaking in 2016).

[119] Appendix E; Fitzgerald Glider Kits, *What is a Glider Kit?*, https://www.fitzgeraldgliderkits.com/what-is-a-glider-kit (last accessed Jan. 3, 2018).

[120] Appendix D; Fitzgerald Glider Kits, Sales inventory page, http://trucks.fitzgeraldgliderkits.com (last accessed Jan. 3, 2018).

brand-new, complete assembly."[121] Glider vehicles are newly titled in the state of purchase, and come with new ID numbers.[122]

It is inaccurate to assert that replacing an older freight truck with a glider vehicle would provide "up-to-date safety features." Glider vehicles lack the essential safety features found in modern trucks. Because these engines lack modern electronic capacity, they lack all of the safety features enabled by those electronics. These features include electronic stability control (to prevent rollover), collision avoidance, automatic emergency brakes, and excess speed control.[123] Moreover, pre-2002 engines are exempt from the requirement to keep an electronic log book (e-log). The e-log provides real time monitoring of drivers' hours travelled and rest time. The lack of an e-log enables vehicle operation for longer periods than allowed by safety standards.[124] For these and other reasons, NHTSA articulated concerns about glider vehicle safety.[125] So in addition to emitting significantly more pollution than other new trucks, glider vehicles are also less safe to operate.

Glider vehicles are regularly sold at prices that are comparable to new freight trucks with modern emission control equipment. On the website of one glider company, the majority of fully built daycab model year 2017 year glider vehicles are advertised for above $150,000 to as much as $369,000.[126] Online freight truck listings similarly include numerous listings for new glider vehicles in this price range.[127] These prices are comparable to, or even higher than, the price of a 2017 model year class 8 tractor that meets modern emission standards.[128] Meanwhile, there are

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[121] Harrison Truck Centers, Glider Kits, http://www.htctrucks.com/index.php/sales/harrison-truck-centers-glider-kits (last accessed Jan. 3, 2018).
[122] 81 Fed. Reg. 73514 n. 83.
[123] See NHTSA, Electronic Stability Control Systems on Heavy Vehicles at III-1 (May 2012) (explaining that an ESC system "utilizes computers to control individual wheel brake torque and assists the driver in maintaining control of the vehicle"), https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/136_esc_hvy_veh_pria.pdf; Testimony of Robert Nuss, Nuss Truck & Equipment, Docket ID No. EPA-HQ-OAR-2014-0827-4307 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4307 ("Glider kits do not meet the current diesel engine emissions standards, nor do they typically include the latest advanced truck safety enhancements, including roll stability, adaptive cruise control and lane departure warnings to better assure public safety.")
[124] *See also* 80 Fed. Reg. 40530 (July 13, 2015).
[125] Id.
[126] Fitzgerald Glider Kits, Sales inventory page, trucks.fitzgeraldgliderkits.com/ (last accessed January 5, 2018).
[127] Truck Paper, Glider Kit Trucks for Sale, https://www.truckpaper.com/listings/trucks/for-sale/list/category/15101/heavy-duty-trucks-glider-kit-trucks?sortorder=9&SCF=False (last accessed Jan. 3, 2018); *see also* https://www.commercialtrucktrader.com/Glider...Trucks.../search-results?.
[128] *See* Truck Paper, Peterbilt Conventional Trucks w/o Sleeper for Sale, https://www.truckpaper.com/listings/trucks/for-sale/list/category/211/heavy-duty-trucks-conventional-trucks-w-o-sleeper/manufacturer/peterbilt?sortorder=9&SCF=False (last accessed Jan. 3, 2018); Truck Paper, Volvo Conventional Trucks w/o Sleeper for Sale, https://www.truckpaper.com/listings/trucks/for-sale/list/category/211/heavy-duty-trucks-conventional-trucks-w-o-sleeper/manufacturer/volvo?sortorder=9&SCF=False (last accessed Jan. 3, 2018); Commercial Truck Trader, New Standard Cab Class 8 Heavy Duty Trucks For Sale, https://www.commercialtrucktrader.com/New-Standard-Cab-Class-8-Heavy-Duty-Trucks-For-Sale/search-results?condition=N&cabtype=STANDARD+CAB&make=FREIGHTLINER|2310628,INTERNATIONAL|2311614,PETERBILT|2313546,VOLVO|2314540&type=class8 (last accessed Jan. 3, 2018); Jason Cannon, *What does a Class 8 truck really cost?*, Commercial Carrier Journal (Jan. 25, 2016) https://www.ccjdigital.com/what-does-a-class-8-truck-really-cost/, (discussing the cost of Model Year 2016 class 8 freight trucks).

readily available, cheaper and safer alternatives for buyers who cannot afford a current model year vehicle. Numerous used model year 2014, 2015, and 2016 class 8 trucks are advertised in public listings with prices well below $100,000.[129] These model year 2014 and later used trucks come with modern pollution controls and safety features, so are at least 90% less polluting than glider vehicles and safer to operate.

Accordingly, the agency's request for comment on these issues is misdirected. The appropriate comparison of emissions impact should be with the other new trucks, not to older, used trucks. The agency's Proposed Rule included no evaluation supporting these assertions in its Proposed Rule, and accordingly the agency has no reasonable basis to reject factual conclusions reached in the Phase 2 Standards on the basis of these unsupported claims.[130] Were the agency to prepare any such analysis, EPA would need to issue a new proposal to allow the public a full opportunity to review and respond to such material, as well as respond to the public's input.[131]

i. Record evidence demonstrates that glider vehicle sales are at least 10,000 per year, if not higher, with potential for further growth.

EPA's 2016 Final Rule estimated that glider vehicle annual sales were approximately 10,000 per year. No record evidence contradicted this finding. More recently, EPA included a Nov. 15, 2017 redacted memo in the record on glider vehicle sales showing that glider vehicles reached a peak of "significantly over 10,000" sales in a year.[132] At the Dec. 4, 2017 public hearing that EPA held on the proposed repeal, industry representatives testified to their personal experience with the growing glider industry and provided assessments of glider vehicle market share in line with the data showing sales significantly over 10,000 per year.[133] Meanwhile, additional evidence suggests that EPA's 2016 estimate of 10,000 sales per year may have been an underestimate.[134] At minimum, EPA has not provided any evidence to justify its assumption that glider vehicle sales would stop growing and flatline at 10,000 vehicles per year—a key assumption employed as part of developing the agency's 2016 glider pollution estimates.

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[129] https://www.kenworthsalesco.com/class-8-trucks-for-sale/ (accessed December 23, 2017).
[130] See Section VII.
[131] See Section VII(d).
[132] Redacted Letter from Charles Moulis to William Charmley, Nov. 15, 2017, EPA-HQ-OAR-2014-0827-2379, available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2379.
[133] See, e.g., Testimony of Michael P. McMahon, McMahon Truck Centers, Docket ID No. EPA-HQ-OAR-2014-0827-4300 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4300 ("We estimate losing approximately 25% of our annual New Truck retail volume to Glider Kits."); Testimony of Robert Nuss, Nuss Truck & Equipment, Docket ID No. EPA-HQ-OAR-2014-0827-4307 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4307 ("The glider kit market today is about 5% of the new heavy duty truck market.").
[134] Adding additional cites/appendix. See, e.g., Fitzgerald Glider Kits, What Is A Glider Kit, available at https://www.fitzgeraldgliderkits.com/what-is-a-glider-kit ("THE FUTURE OF GLIDER KITS: Looking into the future, most manufactures are making newer model trucks available as a Glider. The most recent offering is from Peterbilt with the introduction of the Peterbilt 579 as a Glider Kit. We are also constantly working to offer different engine platforms in our Glider Kits. Year after year Fitzgerald Glider Kits as a company continues to grow giving our customers more options in glider kits, better services, and an ever growing warranty network across the U.S.").

Furthermore, testimony at the Dec. 4 public hearing also indicated that glider sales may continue to expand further if pollution standards are rolled back, both due to production level from glider vehicle manufacturers, and from truck manufacturers who do not primarily manufacturer glider vehicles, but will be compelled to join the glider market in order to maintain competitiveness.[135]

Additional growth in glider vehicle sales would undermine--on an even larger scale--the common sense pollution reductions gained through heavy-duty standards. Yet EPA did not consider the potential for further, unlimited expansion of glider vehicle sales in its proposal. The potential for an even greater magnitude of growth in gliders, with the potential for even more substantial emission consequences and greater jeopardy to heavy-duty emissions controls, presents a severe threat to public health. Given the considerable evidence in the record suggesting that such growth is possible and in fact likely, EPA's failure to consider or evaluate this grave possibility is unlawful.[136]

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In the agency's 2016 Phase 2 Standards, EPA's monetary evaluation of the benefits of closing the glider loophole, using PM-related benefit-per-ton values, found that removing all unrestricted glider vehicle emissions would yield between $6 to $14 billion in annual benefits (2013$).[137] Again, this analysis is conservative because it does not include the benefits of reducing carcinogenic diesel particulates or ozone formation attributable to gliders' high NOx emissions.

As EPA noted in that rulemaking, the agency has long since justified the reasonableness of pollution control standards for heavy-duty freight trucks.[138] The benefits of reducing pollution from freight trucks far outweigh the costs, as indicated by the value of the diesel criteria pollution standards issued by EPA in 2000 and early 2001.[139] The 2000 and 2001 heavy duty diesel criteria pollution rules have a benefit to cost ratio of nearly 17 to 1—providing over $70.4 billion in monetized benefits, in addition to considerable un-monetized public value.[140] The agency identified the tangible impacts of those benefits as reductions in premature deaths, chronic bronchitis, hospital and ER visits, and asthma attacks, among other benefits.[141] As EPA concluded in the Phase 2 Standards, the costs of the glider provisions have already been duly

[135] See, e.g. Testimony of John C. Doub, TMI Truck and Equipment, Docket ID No. EPA-HQ-OAR-2014-0827-4285 (Dec. 4, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285 ("If [EPA repeals the glider provisions], our lost sales to Glider Kits each Month could grow from the 10% it is today to what could be 30+%.")
[136] See discussion in Section VII.
[137] 81 Fed. Reg. at 73943 (October 25, 2016).
[138] Proposed HDP2 Rule, 80 Fed. Reg. 40,137, 40,528-29 (July 13, 2015).
[139] EPA, Final Rule: Emissions Control, Air Pollution From 2004 and Later Model Year Heavy-Duty Highway Engines and Vehicles, 65 Fed. Reg. 59,895 (Oct. 6, 2000); EPA, Final Rule: Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, 66 Fed. Reg. 5,001 (Jan. 18, 2001).
[140] 66 Fed. Reg. 5,001, 5,107-08 (Jan. 18, 2001); EPA, Regulatory Impact Analysis: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements at xvi (Dec. 2000).
[141] EPA, RIA for Heavy-Duty Standards at Ch. VII (D) (Dec. 2000).

justified, in both the criteria pollution rule and the Phase 1 fuel economy and greenhouse gas (GHG) rule.[142]

EPA carefully considered impacts to small businesses including glider manufacturers as part of the Phase 2 rulemaking, and the final Phase 2 Standards include provisions arising from these efforts. See Section XI(b). While glider vehicle manufacturers and purchasers will incur the cost associated with current model year engines, as noted above, these are the same costs EPA has long-since found reasonable for all other manufacturers and purchasers of new heavy duty diesel engines.[143]

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EPA's Proposed Rule fails to address the requirement imposed by Executive Order 12,898[144] to analyze the environmental justice ("EJ") impacts of its actions. The proposal concedes: "We have not evaluated the impacts on minority, low-income or indigenous populations that may occur as a result of the proposed action to rescind emissions requirements for heavy-duty glider vehicles and engines."[145]

This omission is deeply concerning as the proposal will increase diesel freight truck pollution, which harms all communities, but which is known to have disproportionately high and adverse human health and environmental impacts on the low-income communities of color that are often located near roadways, ports, and facilities that bring high flows of freight truck traffic through these communities.[146] Moreover, the latest EPA emission testing suggests that the glider vehicle PM emissions are at their most disproportionate under transient (non-highway) conditions—the likely conditions when driving through communities.[147] The exclusion of the required environmental justice analysis is just one of a number of omissions in this rulemaking process that demonstrate the agency is acting arbitrarily without giving proper consideration to key issues. See Section VII.

a. Environmental justice communities face barriers to public participation

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[142] HDP2 Rule, 81 Fed. Reg. at 73,518; *see also* Proposed HDP2 Rule, 80 Fed. Reg. at 40,528-29.
[143] See 80 FR 405294052940528.
[144] Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7,629 (Feb. 16, 1994).
[145] 82 Fed. Reg. 53,442, 53,448.
[146] *See, e.g.,* Douglas Houston, Margaret Krudysz, and Arthur Winer, *Diesel Truck Traffic in Low-Income and Minority Communities Adjacent to Ports*, Transportation Research Record: Journal of the Transportation Research Board, No. 2067, Transportation Research Board of the National Academies, Washington, D.C., 2008, pp. 38–46 at 39, https://escholarship.org/uc/item/0pk400m7 ("Minority and high-poverty neighbor-hoods in Southern California bear more than twice the level of traffic density as the rest of the region, suggesting that these communities may be disproportionately exposed to concentrated near-roadway air pollution. Such exposures often occur in the context of structural inequalities, including racial segregation, a lack of economic opportunity, disinvestment, and declining property values.")
[147] U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, pg. 3, Docket No. EPA-HQ-OAR-2014-0827-2417.

By omitting any analysis from the Proposed Rule, not only is EPA failing to properly consider the adverse consequences of its action, but it also is impeding the public's ability to understand the impacts of this proposed rule and their ability to provide informed comment during the rulemaking process. The Office of Management and Budget has explained that the purpose of a regulatory analysis is "to anticipate and evaluate the likely consequences of rules" and that "[a] good regulatory analysis is designed to inform the public and other parts of the Government (as well as the agency conducting the analysis) of the effects of alternative actions."[148]

As explained in EPA technical guidance, at minimum, a sufficient environmental justice assessment from EPA would ask and address: (1) "Are there potential EJ concerns associated with environmental stressors affected by the regulatory action for population groups of concern in the baseline?" (2) "Are there potential EJ concerns associated with environmental stressors affected by the regulatory action for population groups of concern for the regulatory option(s) under consideration?" and (3) "For the regulatory option(s) under consideration, are potential EJ concerns created or mitigated compared to the baseline?"[149] The Proposal Rule concedes that EPA has not evaluated this type of clearly relevant information.

Environmental justice communities already face additional barriers to participating in agency rulemaking processes—such as facing language and cultural differences, lacking notice about their role as stakeholders in agency actions, and lacking technical knowledge and assistance to participate effectively—that make agency analysis and notice of environmental justice impacts that much more critical to alerting these overburdened communities to the impacts of federal actions on their health and environment.[150] By not providing this analysis, EPA has shifted the burden of collecting and analyzing this information onto these communities and created an additional barrier to their ability to participate meaningfully in this process. Communities cannot provide informed comment when basic information about the impacts of EPA's actions is missing. This omission hampers the fulfillment of the goals of the public comment period as well as attainment of the environmental justice goal of meaningful involvement of all people, which EPA has explained means: "People have an opportunity to participate in decisions about activities that may affect their environment and/or health," "[t]he public's contribution can influence the regulatory agency's decision," "[c]ommunity concerns will be considered in the decision making process," and "[d]ecision makers will seek out and facilitate the involvement of those potentially affected."[151]

These barriers to participation are exacerbated by the limited window that the agency has provided for public input on this proposal. See Section VIII.

b. The Proposal will disproportionately impact environmental justice communities and children.

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[148] OMB, Circular A-4 (Sept. 17, 2003).
[149] EPA, *Technical Guidance for Assessing Environmental Justice in Regulatory Actions* (2016) at 1112, https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf.
[150] *See,* NEJAC, *Model Guidelines for Public Participation* (2013) at 2-4, https://www.epa.gov/sites/production/files/2015-02/documents/recommendations-model-guide-pp-2013.pdf.
[151] EPA, *Learn About Environmental Justice*, https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.

Significant evidence suggests that the Proposed Rule raises serious environmental justice concerns that demand attention and mitigation. Communities that are overburdened by freight truck traffic, most often environmental justice communities, are the communities who will be most impacted by this rule, which will worsen freight truck pollution in their immediate environments. Low-income communities of color are more likely to be situated near roadways and ports with high flows of heavy-duty diesel freight truck traffic.[152]

In the Phase 2 Standards, EPA noted that "homes with a nonwhite householder were 22–34 percent more likely to be located within 300 feet of these large transportation facilities than homes with white householders," "[h]omes with a Hispanic householder were 17–33 percent more likely to be located within 300 feet of these large transportation facilities than homes with non-Hispanic householders," and additionally "[h]ouseholds near large transportation facilities were, on average, lower in income and educational attainment."[153]

This proposal also seriously impacts school children, with disproportionate adverse impacts to low-income students and students of color. Out of a total of about 50 million students attending K-12 school, 10 million students attend school within 200 meters of a primary or secondary roadway and nearly 1 million students attend school within 200 meters of a primary roadway.[154] EPA has found that "minority students were overrepresented at schools within 200 meters of the largest roadways, and that schools within 200 meters of the largest roadways also had higher than expected numbers of students eligible for free or reduced-price lunches."[155]

EPA concluded in the Phase 2 Standards that "there is substantial evidence that people who live or attend school near major roadways are more likely to be of a minority race, Hispanic ethnicity, and/or low SES [socioeconomic status]. The emission reductions from these final rules will likely result in widespread air quality improvements, but the impact on pollution levels in close proximity to roadways will be most direct. Thus, these final rules will likely help in mitigating the disparity in racial, ethnic, and economically based exposures."[156] This language supports the notion that the proposal to repeal the requirements for glider vehicles will contribute to the disparities that the Phase 2 Standards would have alleviated, if left intact.

Low-income communities and communities of color sited near roadways and ports are thus disproportionately exposed to harmful diesel pollutants for which this proposal will undo protections. People who live, work, or attend school near high-traffic roadways are more

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[152] EPA, *Draft Environmental Justice Primer for Ports* (2016) at 7, https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OYGB.pdf; EPA, *National Air Toxics Program: The Second Integrated Urban Air Toxics Report to Congress* (2014) at 2-8, 2-9 ("Over twenty million U.S. homes are near large roads, railroads and airports. . . . Populations in close proximity to major roads are higher in minority and low-income composition.")

[153] HDP2 Rule, 81 Fed. Reg. at 73,847.

[154] EPA, "Schools Near Roads Analysis for the Tier 3 NPRM Docket," Docket ID No. EPA-HQ-OAR-2011-0135-0488; *see also* Alexandra S. Appatova et al., *Proximal exposure of public schools and students to major roadways: a nationwide US survey*, J. Envtl. Plan. & Mgmt., 51 (5), 2008, p.631.

[155] HDP2 Rule, 81 Fed. Reg. at 73,847.

[156] *Id.*

susceptible to adverse health effects than people who do not spend significant amounts of time around major roads.[157] According to EPA's Urban Air Toxics Report to Congress, "concentrations of benzene, aldehydes, PM and many other compounds are elevated in ambient air within approximately 300-600 meters (about 1,000-2,000 feet) of major roadways" due to motor vehicle emissions.[158] The health impacts from air pollution in port communities include "(1) aggravation of respiratory and cardiovascular disease; (2) decreased lung function; (3) increased frequency and severity of respiratory symptoms such as difficulty breathing and chronic coughing; (4) increased susceptibility to respiratory infections; (5) effects on the nervous system, including the brain, such as IQ loss and impacts on learning, memory and behavior; (6) cancer; and (7) premature death."[159]

Exposure to pollution from heavy-duty vehicles has been linked by numerous studies to respiratory conditions[160], heart attacks[161], cancer[162], adverse pregnancy and birth outcomes[163], premature mortality[164], and reduced cognitive function[165]. One study found "significant evidence of adverse effects related to exposure to $PM_{2.5}$ and ozone at concentrations below current

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[157] Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards; Proposed Rule, 78 Fed. Reg. 29,816, 29,837 (May 21, 2013).

[158] EPA, *National Air Toxics Program: The Second Integrated Urban Air Toxics Report to Congress* (2014) at 2-8, 2-9.

[159] EPA, *Draft Environmental Justice Primer for Ports* (2016) at 6, https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OYGB.pdf.

[160] Gauderman, W.J., Vora, H., McConnell, R., Berhane, K., Gilliland, F., Thomas, D., Lurmann, F., Avol, E., Kunzli, N. & M. Jerrett, et al. (2007). Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. Lancet, 369, 571-577; McConnell, R., Berhane, K., Yao, L., Jerrett, M., Lurmann, F., Gilliland, F., Kunzli, N., Gauderman, J., Avol, E., Thomas, D., & Peters, J. (2006). Traffic, susceptibility, and childhood asthma. Environmental Health Perspectives, 766-772; McConnell, R., Islam, T., Shankardass, K., Jerrett, M., Lurmann, F., Gilliland, F., Gauderman, J., Avol, E., Kunzli, N., Yao, L., Peters, J. & Berhane, K. (2010). Childhood incident asthma and traffic-related air pollution at home and school. Environmental Health Perspectives, 118, 1021-1026.

[161] Peters, A., von Klot, S., Mittleman, M.A., Meisinger, C., Hormann, A., Kuch, B. & Wichmann, H.E. (2013). Triggering of acute myocardial infarction by different means of transportation. European Journal of Preventive Cardiology, 20, 750-758.

[162] Vermeulen R, Silverman DT, Garshick E, Vlaanderen J, Portengen L, Steenland K. 2014. Exposure-response estimates for diesel engine exhaust and lung cancer mortality based on data from three occupational cohorts. Environ Health Perspect 122:172–177; http://dx.doi.org/10.1289/ ehp.1306880; World Health Organization, International Agency for Research on Cancer (IARC). (2012). Diesel engine exhaust carcinogenic. Retrieved from https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf.

[163] Wu, J., Ren, C., Delfino, R.J., Chung, J., Wilhelm, M. & Ritz, B. (2009). Association between local traffic-generated air pollution and preeclampsia and preterm delivery in the South Coast air basin of California. Environmental Health Perspectives, 117, 1773-1779; Green, R.S., Malig, B., Windham, G., Fenster, L., Ostro, B. & Swan, S. (2009). Residential exposure to traffic and spontaneous abortion. Environmental Health Perspectives, 117, 1939-1944.

[164] Fann, N., Fulcher, C.M., & Baker, K. (2013). The recent and future health burden of air pollution apportioned across U.S. sectors. Environmental Science & Technology, 47(8), 3580-3589; Chambliss, S.E., Silva, R., West, J.J., Zeinali, M., & Minjares, R. (2014). Estimating source-attributable health impacts of ambient fine particulate matter exposure: global premature mortality from surface transportation in 2005. Environmental Research Letters, 9, 1-10; Vermeulen R, Silverman DT, Garshick E, Vlaanderen J, Portengen L, Steenland K. 2014. Exposure-response estimates for diesel engine exhaust and lung cancer mortality based on data from three occupational cohorts. Environ Health Perspect 122:172–177; http://dx.doi.org/10.1289/ ehp.1306880.

[165] Ranft, U., Schikowski, T., Sugiri, D., Krutmann, J. and U. Kramer. 2009. Long-term exposure to traffic-related particulate matter impairs cognitive function in the elderly. Environ. Res. 109: 1004-1011.

national standards," an effect "most pronounced among self-identified racial minorities and people with low income."[166] The modern pollution controls that this proposal repeals make a real difference to health outcomes–with one study finding that "emissions from 2007- and 2010-compliant HHDDE [Heavy Heavy-Duty Diesel Vehicles] have been reduced dramatically and that exhaust from a 2007-compliant engine produced no tumors or precancerous effects in rats exposed over their lifetime."[167]

Not only are low-income populations and populations of color more exposed to these toxic air pollutants, but these exposures pose greater health risks to them as well. With regard to particulate matter, for example, low-income populations "have been generally found to have a higher prevalence of pre-existing diseases, limited access to medical treatment, and increased nutritional deficiencies, which can increase their risk of particle pollution-related effects."[168] The impact of these cumulative risks must be taken into account to fully appreciate the impact of this proposal on environmental justice communities.

Take for instance, just two environmental justice communities that are burdened by freight truck pollution, for which the Proposed Repeal would have significant adverse health impacts:

South Bronx, New York
The South Bronx experiences significant amounts of freight truck traffic from multiple expressways cutting through the area, more than a dozen waste transfer stations, a sewage-treatment plant, and as the site of the Hunts Point Food Market, which supplies 60% of New York City's food. According to a study conducted by the City of New York, the South Bronx neighborhood of Hunts Point has 15,000 freight trucks entering and exiting the peninsula on a daily basis.[169] These freight trucks often utilize routes going through residential areas of the community to connect from the Food Market to the highway.[170] A study by New York University researchers found that children in the South Bronx were twice as likely to attend school near a major highway as children in other parts of the city.[171] This community comprises an environmental justice community—43% of Hunts Point and Longwood residents live below the Federal Poverty Line, and 76% of residents are Hispanic.[172] This community also suffers significant health disparities as a result of the environmental burdens including freight truck

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[166] Di et al., 2017, *Air Pollution and Mortality in the Medicare Population.*
[167] Constantini et al. (ACES), 2016, *The Advanced Collaborative Emissions Study (ACES) of 2007- and 2010-Emissions Compliant Heavy-Duty Diesel Engines: Characterization of Emissions and Health Effects.*
[168] EPA, *EJ 2020 Action Agenda* (2016) at 51, https://www.epa.gov/sites/production/files/2016-05/documents/052216_ej_2020_strategic_plan_final_0.pdf; *see also* HDP2 Rule, 81 Fed. Reg. at 73,846 ("several studies find stronger associations between air pollution and health in locations with . . . chronic neighborhood stress, suggesting that [low socioeconomic] populations in these areas may be more susceptible to the effects of air pollution").
[169] City of New York Hunts Point Task Force, Hunts Point Vision Plan at 20, https://www.nycedc.com/sites/default/files/filemanager/Projects/Hunts_Point_Vision_Plan/HPVisionPlan_ImprovementTraffic.PDF.
[170] Id.
[171] Manny Fernandez, *A Study Links Trucks' Exhaust to Bronx Schoolchildren's Asthma*, N.Y. Times (Oct. 29, 2006), http://www.nytimes.com/2006/10/29/nyregion/29asthma.html.
[172] NYC Health, Bronx Community District 2: Hunts Point and Longwood (2015), https://www1.nyc.gov/assets/doh/downloads/pdf/data/2015chp-bx2.pdf.

pollution—the rate of hospitalization for asthma for adults and children in this area is more than twice the New York City-wide rate.[173]

West Oakland, California
The Port of Oakland on the San Francisco Bay serves as a major container ship facility, and brings in heavy amounts of freight truck traffic to the surrounding communities. A study of West Oakland, which lies adjacent to the Port of Oakland, found that 7,200 freight trucks travel down West Oakland streets daily from 7:00am to 6:00pm.[174] A study of air quality in the area found that the West Oakland community experiences rates of diesel PM ambient concentrations three times those of the Bay Area generally. [175] According to U.S. Census data for the zip code comprising West Oakland, 73% of residents are of color[176] and 30% of residents live below the Federal Poverty Line.[177]

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EPA asserts that the proposal, if finalized, will "not affect the level of public health and environmental protection already being provided" by other Clean Air Act mechanisms, including National Ambient Air Quality Standards (NAAQSs), or local and state air quality programs.[178] This argument is not supported by any reasoning or analysis in the record, and is clearly incorrect.

The Clean Air Act lays out a carefully structured mechanism for addressing harmful air pollution. EPA has a duty to address harmful emissions from heavy duty freight trucks. Meanwhile, state officials are responsible for ensuring achievement of the NAAQS air quality standards.

EPA's proposed action is antithetical to the goals of attaining and maintaining the national ambient air quality standards because it would allow unlimited, uncontrolled numbers of heavy duty vehicles emitting NOx and PM at rates as much as 40 to 450 times higher than modern engines. In the 2016 phase 2 rule for heavy-duty vehicles, EPA analyzed the effects of closing the gliders loophole and estimated that these provisions are associated with annual reductions of 6,800 tons of PM and 415,000 tons of NOx.[179] New analysis of the pollution impacts from glider

[173] *Id.* at 12.
[174] Bay Area Air Quality Management District, West Oakland Truck Survey (2009) at ES-2, http://www.baaqmd.gov/~/media/files/planning-and-research/care-program/final-west-oakland-truck-survey-report-dec-2009.pdf.
[175] *Id.* at 2.
[176] U.S. Census Bureau, Selected Social Characteristics in the United States, 2012-2016 American Community Survey 5-Year Estimates data for ZCTA5 94607.
[177] U.S. Census Bureau, Selected Economic Characteristics, 2012-2016 American Community Survey 5-Year Estimates data for ZCTA5 94607.
[178] 82 Fed. Reg. at 53,448.
[179] HDP2 Response to Comments at 1880.

vehicles,[180] as well as indications that glider sales may be even higher than EPA assumed,[181] indicate that these enormous quantities may be significant underestimates.

These additional emissions will upset states' ability to meet and maintain NAAQS compliance and jeopardize healthy air quality. As various States and Air Quality Districts stated at the public hearing, States factored in the reduction of glider vehicle emissions into their NOx and PM budgets; the Proposed Rule, if enacted, would harm efforts to attain or maintain the ozone and PM NAAQS.[182] For example, one California official testified that if gliders were to make up only 7% of California's trucking fleet, meeting the State's SIP obligation's would be "impossible."[183] Another organization estimated that, by 2040, "excess NOx emissions from [gliders] . . . could rival the entire 2018 NOx budget for fossil fuel power plants in 22 states covered by the Cross-State Air Pollution Rule Update."[184]

Table XX provides a comparison between the emissions reduced by the Phase 2 glider provisions and EPA's Tier 3 motor vehicles emissions standards, as well as an approximation of the cost of compliance per ton to reduce NOx emissions from glider vehicles with the cost per ton to reduce these emissions under EPA's Tier 3 standards.

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	kl b fppfl kp obar qfl kp xqmY	PM2.5 **b fppfl kp obar qfl kp xqmY**	**bpqf qba l pqp xAmbo ql k**
ci bbqt fa b di fa bo s be f i b b fppfl kp l s b l kqo l i i bs bi p	190,231 TONS IN 2025[1] 318,615 TONS IN 2040[1]	5,064 TONS IN 2025[1] 8,546 TONS IN 2040[1]	$1,621/TON NOx + NMHC (1999$)[2]

[180] *See* Section I.
[181] *See* Section I. i.
[182] Testimony of Miles Keogh on behalf of the National Association of Clean Air Agencies, Docket ID No. EPA-HQ-OAR-2014-0827-4293 (Dec. 4, 2017) *available at* http://www.4cleanair.org/sites/default/files/Documents/NACAA_Testimony-EPA_Gliders_NPRM-010417.pdf; *see also* Testimony of Paul Farrell on behalf of Connecticut Department of Environmental Protection, Docket ID No. EPA-HQ-OAR-2014-0827-4287 (Dec. 4, 2017) ("allowing this repeal will frustrate Connecticut's ability to meet federal air quality standards") *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4287; *and* Testimony of Wayne Nastri on behalf of the South Coast Air Quality Management District, Docket ID No. EPA-HQ-OAR-2014-0827-4305 (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4305 ("repealing the Phase 2 rule for gliders will significantly hamper our ability to clean up the air and attain national ambient air quality standards").
[183] Testimony of Steve Cliff on behalf of the California Air Resources Board, Docket ID No. EPA-HQ-OAR-2014-0827-4282 (Dec. 4, 2017) *available at* https://ww2.arb.ca.gov/testimony-opposing-epas-proposed-repeal-emission-requirements-glider-vehicles-glider-engines-and.
[184] Testimony of Matt Solomon on behalf of the Northeast States for Coordinated Air Use Management, Docket ID No. EPA-HQ-OAR-2014-0827-4319 (Dec. 4, 2017) *available at* http://www.nescaum.org/items-of-interest.

bm qfbo 3 l ql o s be f i b b fppfl k ka cr bi pq ka oap	264,369 TONS IN 2018[3] 328,509 TONS IN 2030[3]	130 TONS IN 2018[3] 7,892 TONS IN 2030[3]	$5,349/TON NO_X IN 2018 (2011$)[4] $4,435/TON NO_X IN 2030 (2011$)[4]

q i b k l q b p W

[1] EPA Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2 Response to Comments for Joint Rulemaking, Aug 2016, Appendix A, p. 1962

[2] Long-term discounted lifetime cost effectiveness per ton for Heavy-HDV engine control technology for MY2007+. *See* 66 Fed. Reg. 5102 January 18, 2001 Table V.E-1 and EPA RIA: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, December 2000, p. VI-17.

[3] EPA Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards Final Rule RIA, EPA-420-R-14-005, March 2014, p. ES-7

[4] EPA Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards Final Rule RIA, March 2014, p. 8-4

The agency's suggestion that the proposal will not jeopardize children's health because the NAAQS still apply,[185] fails to consider that unrestricted glider vehicle emissions will seriously undermine the ability of States to attain and maintain the NAAQS; moreover, EPA has no basis for such a conclusion because it not analyzed or evaluated this impact. It also fails to reflect that there are no NAAQS for the toxic air pollutants that comprise diesel exhaust, or for diesel exhaust itself—and thus the NAAQS are inherently incapable of protecting against the full slate of health risks posed by diesel emissions.[186]

In any case, Title 2 stands as evidence that Congress did not regard the NAAQS as an excuse not to curb dangerous vehicular emissions, but saw control of motor vehicle pollution as a critical element of an overall program to address harmful air pollution.[187]

State air quality officials will face additional pollution from EPA's Proposed Rule that will make it more challenging for states to meet health-based ozone and PM standards, and more costly. EPA has failed to consider many important issues associated with NAAQS compliance, much less address them in a meaningful way, rendering the proposal both substantively and procedurally unlawful.[188]

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[185] Proposed Rule, 82 Fed. Reg. at 53,448.

[186] *See supra* Section III.

[187] *See, e.g.*, S. Rep. No. 192 at 3 ("The committee believes that this legislation is essential if we are to successfully combat the air pollution problems present at this time and those which inevitably occur unless early corrective action is taken. Automotive exhausts are not the only source of air pollution, but they are a major problem and they are increasing rapidly.").

[188] See Sections V and VII.

s K bm i o d s K

EPA's proposal rests entirely on the deeply mistaken legal argument that glider vehicles are not "new motor vehicles" under the Act, and that therefore EPA lacks authority to address their disproportionate, enormous levels of air pollution emissions. In fact, EPA has clear independent legal authority to regulate glider vehicles, both under section 202(a)(1) of the CAA, which tasks EPA with setting emission standards for new motor vehicles, and under section 202(a)(3)(D) of the Act, which authorizes EPA to regulate rebuilt heavy-duty engines. EPA relied on both of these authorities in promulgating the glider vehicle provisions of the Phase 2 Standards. In proposing to repeal the glider vehicle provisions, EPA has put forth an untenable interpretation of its authority under section 202(a)(1) and has wholly failed to address its authorities under section 202(a)(3)(D). The Proposed Rule's assessment of its statutory authorities abandons reasoned statutory construction and ignores the health-protective purpose of the CAA.

a. EPA Clearly Has Authority to Regulate Glider Vehicles as New Motor Vehicles.

The Proposed Rule, despite obviously significant public health and environmental impacts, is grounded not on an analysis of glider vehicle emissions, but instead is based solely on a new legal interpretation of the statute concluding that glider vehicles are not "new motor vehicles" for purposes of Section 202(a)(1) of the CAA and that therefore EPA is without authority to control pollutant emissions from the vehicles or their engines. The argument to reinterpret the Act to say that glider vehicles are not new motor vehicles is devoid of legal merit. The interpretation is at odds with the clear statutory language; it is based on a palpable end-run around the standard tenets of statutory construction; it is impermissibly and diametrically at odds with statutory goals and purposes; and it leads to adverse and absurd results.

K Glider Vehicles are "New Motor Vehicles" under the Unambiguous Terms of the Statute

The only reasonable interpretation of Section 202(a)(1) of the CAA is that glider vehicles are "new" motor vehicles. EPA therefore unquestionably has both the authority and the responsibility to regulate them. Section 202(a)(1) mandates that EPA:

> by regulation prescribe (and from time to time revise) in accor dance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor ve hicle engines, which in his judgment cause, or contribute to, air pollution wh ich may reasonably be anticipated to endanger public health or welfare.[189]

Section 216(3) of the Act defines "new motor vehicle" as "a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser."[190] A glider vehicle clearly meets this definition, as EPA concluded in the Phase 2 Standards: it is a motor vehicle; the purchaser takes initial title; glider vehicles are explicitly advertised as "brand new" trucks,

[189] 42 U.S.C. § 7521.(a)(1).
[190] 42 U.S.C. § 7550.(3).

together with complementary features like warranties.[191] In the Proposed Rule, the agency offers no substantiation to rebut any of the agency's prior factual findings and accordingly fails to justify its new interpretation.[192]

Section 216(3) also defines "new motor vehicle engine" as "*an engine in a new motor vehicle* a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser."[193] The definition is clear that a new motor vehicle may include a used engine.[194] Section 216(3) also makes clear that the definitions of "new motor vehicle" and "new motor vehicle engine" cover all imported vehicles and engines without distinguishing between new and used vehicles, and accordingly clearly includes used vehicles. On its face the definition of new motor vehicle is consequently not limited to vehicles that have only new components and no used components.

This straightforward application of the definitions of new motor vehicle and new motor vehicle engine to glider vehicles and glider vehicle engines is the only correct interpretation. Nothing in Section 216(3)'s criterion regarding passage of title to the ultimate consumer makes any reference to whether the components of the vehicle are new or used. The criterion is simply passage of title, with no other limitation on the history of the components prior to passage of title. Where no ultimate consumer has ever had title to the vehicle—as is the case for glider vehicles—the vehicle is a "new motor vehicle" under the clear terms of the Clean Air Act. In its Proposed Rule, EPA itself admits that the plain language of the statute supports regulation of gliders as new vehicles.[195]

This interpretation accords with commercial reality. Glider vehicles are marketed as "brand new trucks." Comparable warranties and prices are offered for glider vehicles. They are titled as new vehicles, and come with new vehicle ID numbers. They are advertised under the name of the kit builder — and so bear the new truck name. See section 1(h) above.

Moreover, this interpretation of section 202(a)(1)'s application to glider vehicles clearly promotes the purposes of the Clean Air Act and its Title 2 provisions. The Clean Air Act's purpose is the "reduction or elimination" of pollutants at the source.[196] Under Title 2, Congress authorized EPA to establish a national motor vehicle control program to protect the public from the serious and widespread problems of motor vehicle air pollution. Congress recognized motor vehicles as major contributors to the Nation's air pollution problems,[197] and provided broad, flexible, and comprehensive authorities to EPA to develop a national program to address air

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[191] HDP2 Rule, 81 Fed. Reg. at 73,514 and n.83; *see also* Section 1(h).
[192] *Cf. FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (When an agency's "new policy rests upon factual findings that contradict those which underlay its prior policy," the agency must "provide a more detailed justification than what would suffice for a new policy created on a blank slate.").
[193] 42 U.S.C. § 7550(3) (emphasis added).
[194] EPA's current arguments to the contrary, articulated in the 2017 Proposed Rule, are without merit as discussed below in Section V.b.
[195] 82 Fed. Reg. at 53,445 ("Focusing solely on . . . the statutory definition . . . a glider vehicle would appear to quality as 'new.'").
[196] 42 U.S.C. § 7401(a)(3).
[197] 42 U.S.C. § 7401(a)(2).

pollution from vehicles. Section 202(a)(1) mandates that the EPA Administrator "shall" promulgate standards applicable to the emission of "*any* air pollutant" from new motor vehicles and engines, which "cause, *or contribute to*" air pollution which "*may reasonably be anticipated* to endanger public health or welfare."[198] The text of the definition of new motor vehicle reflects the broad scope of vehicles subject to EPA standard setting, and the standard setting provisions of section 202 reflect the flexibility provided to EPA to develop appropriate solutions to this diverse and multi-faceted source of air pollution. EPA's 2016 Phase 2 Standards recognizes the very serious air pollution problem specifically attributable to glider vehicles and applies the definition of new motor vehicle in direct accord with the text of the definition, mandating EPA to address this dangerous pollution source. In contrast, the Proposed Rule fails to acknowledge or consider the purposes of the Clean Air Act, or to discuss how the Proposed Rule would further those purposes.

In the 2016 Phase 2 Standards, EPA properly interpreted the statutory language to mean exactly what it says, finding that glider vehicles are new motor vehicles subject to standards under section 202(a)(1) of the Act.[199] The statutory interpretation contained in the Phase 2 Standards reflects the only reasonable interpretation, and is consistent with Congress' clear intention and furthers the purposes of the Act. Therefore, EPA has a duty to establish pollution control limits for glider vehicles under section 202(a)(1) of the Act.

b. The Proposed Rule's new interpretation of section 202(a)(1) is unreasonable and impermissible.

Even if the statutory text did not completely resolve the issue, EPA's proposed interpretation is unreasonable and impermissible. The interpretation flies in the face of clear statutory text, structure, and purpose; attempts to manufacture ambiguity where there is none; and is unlawful.

EPA's new interpretation of the statutory text—that glider kits do not qualify as "new motor vehicles"— is fundamentally at odds with the clear text of pertinent provisions and with the purpose of the statute as well as the Clean Air Act's purposes and structure. While disregarding the statute's purpose and structure, EPA relies on unfounded and illogical statutory interpretation arguments, attempting to justify the Proposed Rule with two theories: (1) Congress, in defining "new motor vehicle" for purposes of Title 2 did not have "a specific intent to include within the statutory definition such a thing as a glider vehicle";[200] and (2) in adopting a definition of "new motor vehicle" for purposes of the Clean Air Act, Congress drew on the approach it had taken with the Automobile Information Disclosure Act of 1958 ("AIDA"), suggesting Congress intended, for purposes of Title 2, that "new motor vehicle" would mean only a "showroom new"

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[198] 42 U.S.C. § 7521(a)(1); *see also Coal. for Responsible Regulation, Inc. v. Envtl. Prot. Agency*, 684 F.3d 102, 126 (D.C. Cir. 2012) ("If EPA makes a finding of endangerment, the Clean Air Act requires the [a]gency to regulate emissions of the deleterious pollutant from new motor vehicles." (quoting *Mass. v. Envtl. Prot. Agency*, 549 U.S. 497, 533 (2007)).

[199] *See, e.g., Council for Urological Interests v. Burwell*, 790 F.3d 212, 219 (D.C. Cir. 2015) (2015) ("We begin, as always, with the plain language of the statute in question."); *NRDC v. Browner*, 57 F.3d 1121122, 1127 (D.C. Cir. 1995) ("Where the terms of a statute are unambiguous, further judicial inquiry into the intent of the drafters is generally unnecessary.").

[200] Proposed Rule, 82 Fed. Reg. at 53,445.

vehicle.[201] These notions are unsubstantiated and fail to rationalize EPA's interpretation of Section 202(a)(1) to exclude glider vehicles.

K EPA's new interpretation is at odds with the statutory definition of "new motor vehicle"

The Proposed Rule concludes that the phrase "new motor vehicle" as applied under section 202(a)(1) does not include glider vehicles because it contains an engine and power train that are previously owned, and that a glider engine is not a "new motor vehicle engine" because it is installed in a glider kit to form the glider vehicle, which is not a "new motor vehicle."[202] But this interpretation is not reasonable. This logic merely reiterates the agency's *a priori* belief that a glider vehicle cannot be new, and suffers from the very circular thinking it accuses the prior administration of adopting in promulgating the Phase 2 Standards' glider provisions.

The definition of "new motor vehicle engine" is clear under the terms of Section 216(3): a new motor vehicle engine can be an engine whose title has already been transferred to the ultimate purchaser.[203] The proposal indeed concedes this very point — as it must—affirming that "[p]rior to the time a completed glider vehicle is sold, it can be said that the vehicle's 'equitable or legal title' has yet to be 'transferred to an ultimate purchaser.'"[204]

The agency nonetheless asserts that since a glider vehicle cannot be a "new motor vehicle", a used engine installed in it cannot make a used engine a new one, dismissing the contrary position as "circular thinking".[205]

EPA's position is unreasonable for the additional reason that, if the Proposed Rule's interpretation that a vehicle with a previously used engine cannot be a new motor vehicle were correct, it would render part of the statutory definition of "new motor vehicle engine" superfluous—contrary to canons of statutory construction.[206] The Proposed Rule's interpretation is premised in part on the claim that a vehicle with a previously used engine cannot be a new motor vehicle.[207] The statute defines a "new motor vehicle engine" as "an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser."[208] But EPA proposes to interpret the statute to mean that a vehicle with a used engine cannot be a "new motor vehicle." If that were so, then the first prong in the

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[201] Proposed Rule, 82 Fed. Reg. at 53,446.
[202] *Id.*
[203] *See* 42 U.S.C. § 7550(3) and HDP2 Rule, 81 Fed. Reg. at 73,514, 73,518.
[204] Proposed Rule, 82 Fed. Reg. at 53,444.
[205] *Id.* at 53,446.
[206] *See, e.g.*, *TRW Inc. v. Andrews,* 534 U.S. 19, 31 (2001) (refusing to adopt interpretation of a statute that would render some statutory text "insignificant, if not wholly superfluous");" (quotation marks omitted)); *see also Board of Trustees of Leland Stanford Junior Univ. v. Roche Molecular Systems*, Inc., 563 U.S. 776, 787 (2011); *Duncan v. Walker,* 533 U.S. 167, 174 (2001); *Bailey v. United States,* 516 U.S. 137, 146 (1995) ("We assume that Congress used two terms because it intended each term to have a particular, nonsuperfluous meaning.").
[207] *See* 82 Fed. Reg. at 53,446 ("Based on that structure and history, it seems likely that Congress understood a 'new motor vehicle,' as defined in CAA § 216(3), to be a vehicle comprised entirely of new parts *and certainly not a vehicle with a used engine*.").
[208] 42 U.S.C. § 7550(3).

disjunctive definition of "new motor vehicle engine" would be superfluous. If *every* "new motor vehicle" must have a "never-titled-new" engine, then every engine qualifying as new under the first prong of section 216(3) would likewise qualify as new under the second prong, rendering the first prong superfluous. This reading is unreasonable and impermissible. The phrase "an engine in a new motor vehicle," and its juxtaposition with the phrase, "equitable and legal title [to engine] has not passed," make clear that Congress understood some new motor vehicles that would have engines that would not independently meet the "equitable or legal title never passed" definition. And these textual features indicate that EPA now badly misunderstands the statute when it proposes to describe a "never-titled-new engine" as a *sine qua non* of a new motor vehicle.

To dismiss the first prong of the definition of new motor vehicle engine, "an engine in a new motor vehicle," EPA relies, *ipse dixit*, on its own assertion that glider vehicles are not new.[209] In other words, EPA has decided that a glider vehicle engine cannot be a "new motor vehicle engine" because it is not in a new motor vehicle, and that the motor vehicle it is in is not a new motor vehicle only because the motor vehicle has a used engine in it. It is the proposal's analysis which is circular.

KEPA's Proposed New Interpretation is Impermissibly at Odds with the Statutory Purpose and Structure

This proposal not only fails to take into consideration the statutory text and commercial reality, it also fails to reflect – and severely undermines – Congress's core purpose in Clean Air Act Section 202 to reduce emissions of air pollution that endanger public health and welfare.[210] First, EPA's construction exempts extremely high-emitting vehicles whose emissions would seriously harm public health. See Section 1. Second, by providing a competitive advantage for high-emitting vehicles, EPA's construction would seriously undermine the efficacy of pollution standards for other new freight trucks. See Section XI. The fact that EPA has not examined the harms its interpretation would cause to public health, and to the overall integrity of an entire vital statutory pollution control regime, means that EPA has acted arbitrarily and capriciously under 42 U.S.C. 7607(d)(9)(A) and *State Farm* and progeny; but the fact that EPA has not explained, and cannot rationally explain, how its circular interpretation makes sense given the serious

[209] Need cite to Proposed Rule

[210] *See UC Health v. NLRB,* 803 F.3d 669, 675 (D.C. Cir. 2015) (holding that an agency construction must be "reasonable and consistent with the statute's purpose"); *Coal Employment Project v. Dole*, 889 F.2d 1127, 1131 (D.C. Cir. 1989) (stating that to be reasonable, an interpretation must be "consistent with the statutory purpose"); *Abbott Laboratories v. Young*, 920 F.2d 984, 988 (D.C. Cir. 1990) ("The 'reasonableness' of an agency's construction depends on the construction's 'fit' with the statutory language as well as its conformity to statutory purposes."); *Cont'l Air Lines, Inc. v. DOT,* 843 F.2d 1444, 1449 (D.C. Cir. 1988) (explaining that *Chevron* step two is determined "by reference both to the agency's textual analysis (broadly defined, including where appropriate resort to legislative history) and to the compatibility of that interpretation with the Congressional purposes informing the measure"); *Bozwich v. Mathews*, 558 F.2d 475, 480 (8th Cir. 1977) (rejecting as unreasonable an agency's reading of statute because it "conflicts with the clear legislative purpose"); *see also United States v. Gordon*, 875 F.3d 26, 35–36 (1st Cir. 2017) (rejecting interpretation that "conflicts with the clear congressional purpose animating th[e] statute").

damage it would cause to core statutory objectives and mechanics renders the interpretation impermissible as an exercise in statutory construction as well.[211]

The Proposed Rule maintains that the interpretation is "permissible" since "[a]t a minimum, ambiguity exists" in the statute.[212] As explained above, there is no ambiguity with respect to the relevant question and the statute plainly contemplates that new motor vehicles can include used components, including non-new engines. But even assuming that this statutory language in isolation does not compel EPA's reading in the 2016 Phase 2 Standards, the Proposed Rule fails to justify that the reinterpretation is "permissible" in terms of the statute's structure or purposes.

Title 2 of the Act creates a mandate to control dangerous vehicular emissions, with special emphasis on controlling emissions from heavy duty diesel engines. It provides a dual "engine" definition which makes clear that a new motor vehicle can include an old engine. It provides authority over rebuilt heavy duty diesel engines.[213] It provides that only new motor vehicles and engines certified to EPA standards can be introduced into commerce, and provides severe penalties for tampering with air pollution controls. Into this comprehensive design, intending a seamless protective program, EPA now proposes to open up a major loophole.

A reasonable interpretation must be consistent with the statutory purposes of the provision and the statute being interpreted.[214] Yet EPA makes no attempt to even consider much less justify its proposed interpretation in terms of furthering the purposes of the Act and Title 2. Most glaringly, EPA fails to consider or explain how a congressional purpose of protecting the public health and welfare is promoted by exempting these ultra-high-polluting vehicles from live-saving pollution safeguards.[215]

"[R]easonable statutory interpretation must account for both the specific context in which language is used and the broader context of the statute as a whole."[216] "Thus, an agency interpretation that is inconsistent with the design and structure of the statute as a whole does not merit deference."[217] The fact that Congress in Section 202 targeted pollution that endangers

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[211] "Whether a statute is unreasonably interpreted is close analytically to the issue whether an agency's actions under a statute are unreasonable." *Gen. Instrument Corp. v. Fed. Commc'ns*, 213 F.3d 724, 732 (D.C. Cir. 2000); *see also Am. Fed'n of Gov't Employees v. Nicholson*, 475 F.3d 341, 345–46 (D.C. Cir. 2007) (explaining that the Court's inquiry under the second step of Chevron "overlaps with [the Court's] inquiry under the arbitrary and capricious standard").

[212] Proposed Rule, 82 Fed. Reg. at 53,446.

[213] *See infra* Section V(c).

[214] *See, e.g. Council for Urological Interests*, 790 F.3d 212, 222 (D.C. Cir. 2015) (stating that an interpretation is permissible under *Chevron* step 2 if "it is a reasonable explanation of how an interpretation serves the statute's objectives"); *Northpoint Tech Ltd. v. FCC*, 412 F.3d 145, 151 (D.C. Cir. 2005).

[215] *Northpoint Tech., Ltd. v. FCC*, 412 F.3d 145, 151 ("A 'reasonable' explanation of how an agency's interpretation serves the statute's objectives is the stuff of which a 'permissible' construction is made; an explanation that is 'arbitrary, capricious, or manifestly contrary to the statute,' however, is not." (citing *Chevron*, 467 U.S. at 844, 863); *see also Humane Society of U.S. v. Zinke*, 868865 F.3d 585, 595 (D.C. Cir. 2017) ("Accordingly, this court must determine whether the [agency] 'has advanced a reasonable explanation for its conclusion that the regulations serve . . . [the Act'sAct's] objectives,' *Chevron*, 467 U.S. at 863, and whether that 'interpretation . . . is at least reasonable in light of any ambiguities in the statute")..'").

[216] *Utility Air Regulatory Grp. v. EPA*, 134 S. Ct. 2427, 2442 (2014).

[217] *Id.*

public health and welfare; employed a broad definition of "new motor vehicles," and also provided for regulation of emissions from rebuilt engines, shows that Congress did not intend EPA to create such a health-damaging, market-skewing regulatory loophole.[218] EPA's proposed interpretation is flatly inconsistent with the statutes "design and structure" and is unreasonable.

- EPA's proposed interpretation of section 202(a)(1) would have drastic, adverse consequences for the whole mobile source program, a consequence that EPA has not examined

Further, EPA's proposal ignores the broader adverse consequences of its proposed reinterpretation. If a "new motor vehicle" is limited to vehicles that consist entirely of new parts, as EPA determines, then simply installing one or more used parts on an otherwise new motor vehicle would allow manufacturers to avoid all Title 2 requirements.[219] In addition to ending limits on pollution from glider vehicles under the Clean Air Act, the proposal could undermine the remainder of Title 2 motor vehicle controls as well.

EPA has not even considered or evaluated this dramatically harmful result. This result further demonstrates the impermissibility of the proposed reinterpretation: EPA's interpretation is manifestly inconsistent with the statutory text, structure, and purpose; arbitrarily ignores negative implications for EPA's heavy duty program as a whole; and invites absurd results.

- The Proposal's Account of Congress's Intent is a Speculative Invention and Ignores the Structure and Purposes of the CAA.

EPA relies on the claim that there was limited use of glider kits at the time Congress enacted Section 202(a)(1), and that therefore Congress could not have had them in mind when it adopted the definition of new motor vehicle. This is not discussed anywhere in the legislative history; the suggestion provides no basis to reject the straightforward evidence of Congressional intent provided by the actual statutory text and structure.

Disregarding its own concession that the statutory text encompasses glider kits, and ignoring its own acknowledgement that contextual statutory interpretation looks to "the purpose and context of the statute" as well as the "object and policy" of the law,[220] EPA asks only whether, at the time of enactment, Congress specifically had glider kits and vehicles in mind when it adopted the definition of new motor vehicle.[221]

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[218] *See United States v. Northeastern Pharmaceutical & Chemical Co., Inc.*, 810 F.2d 726, 743 (8th Cir. 1986) (rejecting interpretation that "would open an enormous, and clearly unintended, loophole in the statutory scheme").

[219] Among others, the Engine Manufacturers Association noted this drastic consequence of the proposal in its December 4, 2017 public hearing testimony opposing the proposal. *See* Testimony of Engine Manufacturers Association, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4299.

[220] Proposed Rule, 82 Fed. Reg. at 53,445.

[221] *See* 82 Fed. Reg. at 53,445 (asking "whether or not Congress, in defining 'new motor vehicle' for purposes of Title 2, had a specific intent to include within the statutory definition such a thing as a glider vehicle" and stating that it is "likely that Congress did not have in mind that the definition would be construed as applying to a vehicle comprised of new body parts and a previously owned powertrain"); *id.* at 53,446 ("[I]t is implausible that Congress would have had in mind that a 'new motor vehicle' might also include a vehicle comprised of new body parts and a previously owned powertrain").

This is not a proper approach to statutory interpretation. The question for purposes of interpreting a statute is not whether, at the time of enactment, Congress was consciously thinking about one fact-specific, future application of a statutory definition designed to address potentially hundreds or more fact- specific applications over many decades of implementation. Rather than engaging in such speculative adventures, the task is to interpret the language of the statute, in light of its context and the statute's purposes, structure and history.

The appropriate question is whether Congress expressed a clear intention on the broader issue of whether a new motor vehicle could include used components. The statute indicates clearly – explicitly -- that Congress specifically intended that new motor vehicles could include used components.[222] As discussed above, the criterion of first transfer of title draws no distinction with respect to the kinds of *components* in the vehicle, the definition expressly states that used engines can be in a new motor vehicle, and used imported vehicles are not distinguished from new.

EPA's effort to defeat the application of a statute whose plain language readily covers a given set of circumstances, based upon EPA's thoroughly speculative claim that Congress did not specifically contemplate application to those circumstances, is patently unfaithful to the Clean Air Act's intended mission to protect the public health and welfare from existing and yet-to-manifest air pollution hazards. The Clean Air Act was drafted in broad terms to allow EPA to deal with new hazards emerging from changing economic activities, ecological conditions, and scientific information.[223] EPA's approach here ignores all that, gratuitously creating loopholes in the Act's comprehensive scheme. As the Supreme Court put it in a discussion of the same Clean Air Act section in *Massachusetts*:

> While the Congresses that drafted § 202(a)(1) might not have ap preciated the possibility that burning fossil fuels could lead to global warming, they did understand that without regulatory flexibility, changing circumstances and scientific developments would soon render the Clean Air Act obs olete. The broad language of § 202(a)(1) reflects an intentional effort to confe r the flexibility necessary to forestall such obsolescence. See *Pennsylvania Dept. of Corrections v. Yeskey,* 524 U.S. 206, 212 (1998) ("[T]he fact that a statute can be ap plied in situations not expressly anticipated by Congress does not demon strate ambiguity. It demonstrates breadth" (internal quotation marks omitted)). B ecause greenhouse gases fit well within the Clean Air Act's capacious definition of "air pollutant," we

[222] Indeed, the way the definition was written actually indicates specific Congressional intent that a new motor vehicle, as defined by the statute, with a used engine, would fall under the regulatory authority. See Section V(a) and (b).

[223] The 1979 Clean Air Act's central purpose was to "establish that the air is a public resource" and to provide an "intensive and comprehensive attack on air pollution". S. Rept. 91-1196 at 4; *see also* 42 U.S.C. § 1017401(b)(1)-(4); *Union Elec. Co. v. EPA*, 427 U.S. 246, 256 (1976) (Act was "a drastic remedy to what was perceived as a serious and otherwise uncheckable problem of air pollution."); *Whitman v. American Trucking Assns., Inc.*, 531 U.S. 457, 465-66 (2001).

> hold that EPA has the statutory authority to regulate the emiss ion of such gases from new motor vehicles.

549 U.S. 497, 532 (2007).[224] The definition of new motor vehicle reflects similar flexibility and breadth.[225] The claim that Congress needs to have specifically contemplated regulation of glider vehicles is untenable: many cases, besides *Massachusetts*, have confirmed that the CAA is crafted in broad terms to capture changing technologies and new pollution problems. EPA notably fails to explain *why* a Congress so manifestly and consistently concerned about dangers to health and welfare would have wanted to leave these the significant pollution from these vehicles unaddressed.[226]

Furthermore, EPA reaches its conclusion without any reference to or reliance on legislative history, other than statutory provisions or the Clean Air Act's statutory purposes—which each call for a different meaning.[227] Excluding glider vehicles would produce the very harms that Congress legislated against in Section 202. Congress could have, but did not, impose the sort of limitations EPA seeks to impose on it. And putting the broad language concerning new vehicles together with the provisions on rebuilding authority, it is manifest that Congress did not intend to

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[224] *See Cablevision Systems Corp. v. F.C.C.*, 649 F.3d 695, 707 (D.C. Cir. 2011) ("When Congress delegates broad authority to an agency to achieve a particular objective, agency action pursuant to that delegated authority may extend beyond the specific manifestations of the problem that prompted Congress to legislate in the first place. *See Consumer Elecs. Ass'n v. FCC,* 347 F.3d 291, 297–99 (D.C. Cir. 2003) (rejecting a *Chevron* step one challenge contending that the Commission's statutory authority was limited to only the immediate concern Congress empowered the Commission to address and indicating that the use of "broad language" to solve a relatively specific problem "militates strongly in favor of giving [the statute] broad application").

[225] If the agency is suggesting that it lacks authority over glider vehicles unless Congress specifically states that glider vehicles are to be regulated, that approach is palpably wrong. *Chevron* itself rejects the notion that Congress must evince a specific intent in order for it to delegate authority, since the Court in that case found that Congress had expressed no intent as to whether the 'bubble concept' at issue, and ultimately sustained by the Court, was authorized by the Act. *See* 467 U.S. at 845 ("Once it determined, after its own examination of the legislation, that Congress did not actually have an intent regarding the applicability of the bubble concept to the permit program, the question before it was not whether in its view the concept is 'inappropriate' in the general context of a program designed to improve air quality, but whether the Administrator's view that it is appropriate in the context of this particular program is a reasonable one.").

[226] *See Northpoint Tech., Ltd. v. FCC*, 412 F.3d 145, 151 (D.C. Cir. 2005) ("A 'reasonable' explanation of how an agency's interpretation serves the statute's objectives is the stuff of which a 'permissible' construction is made.") (citing *Chevron*, 467 U.S. at 863). "[A]n explanation that is 'arbitrary, capricious, or manifestly contrary to the statute,' however, is not." *Id.* (quoting *Chevron,* 467 U.S. at 844); *see also Humane Society of United States v. Zinke*, 865 F.3d 585, 595 (D.C. Cir. 2017) ("Accordingly, this court must determine whether the Service 'has advanced a reasonable explanation for its conclusion that the regulations serve . . . [the Act's] objectives,' *Chevron*, 467 U.S. at 863, and whether that 'interpretation . . . is at least reasonable in light of any ambiguities in the statute.").

[227] *See UC Health v. NLRB,* 803 F.3d 669, 675 (D.C. Cir. 2015) (an agency construction must be "reasonable and consistent with the statute's purpose"); *Coal Employment Project v. Dole*, 889 F.2d 1127, 1131 (D.C. Cir. 1989) (to be reasonable, an interpretation must be "consistent with the statutory purpose"); *Abbott Laboratories v. Young*, 920 F.2d 984, 988 (D.C. Cir. 1990) ("The 'reasonableness' of an agency's construction depends on the construction's 'fit' with the statutory language as well as its conformity to statutory purposes."). Notably, in the preamble to the proposed rule, in describing the "Statutory and Regulatory Context," 82 Fed. Reg. at 53,443, EPA leaves out language that indicates the protective purpose of the provision: to control "air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7521(a)(1).

create the kind of perverse regulatory gap in the statute's protections. EPA must abandon its proposed efforts to read its own responsibilities to the public out of the statute.

Though speculating about whether the 1970 Congress specifically contemplated modern glider vehicles is not the proper way to interpret a statute, these speculations are very likely wrong. The contemporaneous understanding at the time of passage of the Clean Air Act, even if relevant, was that glider vehicles were considered new vehicles. The Internal Revenue Service treated a glider vehicle as a new vehicle for federal excise tax purposes, which position was upheld on judicial review. *See Boise National Leasing, Inc. v. United States*, 389 F.2d 634, 636-37 (9th Cir. 1968).[228] If anything, this indicates that, contrary to EPA's supposition in the proposal, Congress considered glider vehicles to be new motor vehicles when it enacted the CAA's definitions.

KEPA's Reliance on AIDA is Unavailing

Compounding this misunderstanding, EPA next argues that similarity in the definitions used in the CAA and the Automobile Information Disclosure Act of 1958 (AIDA)[229] shows that "Congress intended … that a 'new motor vehicle' would be understood to mean something equivalent to a 'new automobile'—i.e., a true 'showroom new' vehicle."[230] EPA's argument relies on flawed logic,[231] and its analysis is superficial and incomplete. It runs directly counter to the established canons of statutory construction to ignore the clear language of the relevant statute while consulting the language in an entirely separate and unrelated statute. Even if AIDA is relevant here, the proposal ignores the other textual provisions of AIDA and how they interact, and does not consider the critical differences between the CAA and AIDA in text and Congressional purpose. A detailed analysis demonstrates that in Title II of the CAA, Congress did not adopt AIDA's narrow and limited approach, and instead adopted a broader more expansive legislative solution.

Conceding that the legislative history lacks any evidence to support its new theory, EPA asserts that Congress drew from AIDA's definition of "new automobile" in defining "new motor vehicle" for Title 2 of the CAA. AIDA defines "new automobile" as "an automobile the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser."[232] Citing this definition, EPA asserts that Congress intended

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[228] *See Boise National Leasing, Inc. v. United States*, 389 F.2d 634, 636-37 (9th Cir. 1968). The Internal Revenue Service imposed an excise tax on manufacturers of new trucks made from glider kits. This tax applied when a "taxpayer purchased … in packaged or "glider kit" form, all the necessary new elements, including frame, cab, brake system, etc. … and then had the structuring and assembling processes done by a third party." The glider kit process resulted in a "new truck entity having been produced, and not a repairing or reconditioning of the old truck," and the manufacturer of the new truck entity was subject to the excise tax.

[229] 15 U.S.C. § 1231 et seq.

[230] Proposed Rule, 82 Fed. Reg. at 53,446.

[231] "'The tendency to assume that a word that appears in two or more legal rules, and so in connection with more than one purpose, has and should have precisely the same scope in all of them, runs through legal discussions. It has all the tenacity of original sin and must be constantly guarded against.'" *General Dynamics Land Systems v. Cline*, 540 U.S. 581, 595 n. 8 (2004) (quoting Cook, "Substance" and "Procedure" in the Conflict of Laws, 42 Yale L. J. 333, 337 (1933)).

[232] 15 U.S.C. § 1231.

"new motor vehicle" under Title 2 of the CAA to mean "a true 'showroom new' vehicle."[233] First, EPA's reference to "showroom new" presumably refers to the showroom of a new car dealer. AIDA's legislative history indicates that this is the focus of AIDA.[234] The problem Congress addressed in AIDA was fraud and deception occurring in the showroom of new car dealers, and it crafted a narrow solution to address it.[235] The result was a requirement for a window label for new cars shown by new car dealers in their showrooms. However, this focus on dealers and their showrooms was driven not by AIDA's definition of "new automobile," but by other provisions of that law. That focus derives from a separate section, the requirement that manufacturers affix the window label to a new car prior to delivery of the vehicle to a dealer.[236]

In effect, Congress defined new automobile somewhat broadly in AIDA, but then narrowed the labeling requirement by limiting it to only those new automobiles delivered to new car dealers. For example, a new car sold directly by a manufacturer would not be subject to the labeling requirement.[237] While that kind of distribution would not typically occur, this example makes clear that the definition of new automobile is not what ties AIDA to "showroom new" cars; a different section of the law achieves this result. The text of AIDA does not support EPA's reasoning and conclusion, which relies on the AIDA definition by itself.

In the CAA Congress did not take the narrow approach used in AIDA and did not focus on the subset of vehicles presented for show in new car dealer's showrooms:

> (1) The CAA's Title 2 provisions address a much broader societal problem – air pollution, reaching broadly across the country - while AIDA addresses a specific consumer information problem involving only new car dealers.[238]
>
> (2) Unlike AIDA, the CAA's definition of new motor vehicle covers many kinds of vehiclesin addition to passenger cars. The CAA covers all kinds of cars and trucks, from the smallest passenger car to the largest commercial tractor-trailer. It covers many more kinds of manufacturers and their distribution networks – the ways in which new cars or trucks are sold to their buyers. The vehicles and their manufacturing and distribution

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[233] 82 Fed. Reg. 53,446.

[234] *See Baltimore Luggage Company v. FTC*, 296 F.2d 608 (4th Cir. 1961),) (decided several years before adoption of the CAA).

[235] *See Baltimore Luggage Co,* 296 F.2d at 612 ("[T]he legislative history of this Act, 2 U.S.C. Congressional and Administrative News, 85th Congress 1958, p. 2902, in speaking of the purpose of the bill and the need for the legislation, sets out (pp. 2903, 2904, 2905): 'The primary purpose of the bill is to disclose the manufacturer's suggested retail price of the new automobile (passenger car or station wagon) so that the buyer will know what it is. This information is not available now.'").

[236] "Every manufacturer of new automobiles distributed in commerce shall, prior to the delivery of any new automobile to any dealer, or at or prior to the introduction date of new models delivered to a dealer prior to such introduction date, securely affix to the windshield, or side window of such automobile a label on which such manufacturer shall endorse clearly, distinctly and legibly true and correct entries disclosing the following information concerning such automobile" (emphasis supplied) 15 U.S.C. § 1232. The enforcement for this labeling requirement is addressed in 15 U.S.C. § 1233.

[237] 15 U.S.C. § 1232.

[238] Need cite – leg hist? Act has no purpose/intro section

networks are more varied than the limited world of manufacturer deliveries of passenger cars to new car dealers.

(3) Unlike AIDA, the definition of new motor vehicle under Title 2 is not limited to an automobile the title to which has never been transferred to an ultimate purchaser. As explained above, the definition of new motor vehicle under Title 2 is broader in scope, and it is clear that a new motor vehicle may include an engine whose title has already passed to an ultimate purchaser, that is, a new motor vehicle may include a used engine.[239] In addition, it includes all imported vehicles, new and used.[240] Thus, on its face the definition of new motor vehicle is not limited to the kind of "showroom new" vehicles shown by new passenger car dealers.

(4) It is AIDA's manufacturer requirement that focuses AIDA on new car dealers' showrooms, not AIDA's definition of new automobile. The parallel manufacturer provision in the CAA, section 203(a), requires that a manufacturer obtain an EPA certificate of conformity before selling, offering for sale, introducing into commerce or delivering a new motor vehicle for introduction into commerce.[241] Nothing narrows this prohibition or somehow limits Title 2 to vehicles delivered to a dealer for presentation in "showroom new" condition in their showroom. The CAA prohibition is much broader in scope than the labeling requirement in AIDA, properly reflecting the broader scope of the industries involved and the air pollution problem Congress was trying to solve.

Thus, even assuming without evidence that Congress was informed by AIDA, it is clear that Congress rejected the narrow AIDA approach and instead chose a broader and more expansive approach for the CAA. EPA's grasping at AIDA in the proposal is disconnected from the purpose and structure of the CAA itself.

In any case, there is no justification for EPA's proposal. It not only does not further the statutory purposes of the CAA, it negates them. This proposal is antithetical to the core statutory objective of protecting public health and the environment from exposure to harmful emissions from motor vehicles, including from heavy duty vehicles and engines.[242]

The purpose of Title II is to broadly empower EPA to address harmful motor vehicle air pollution, calling for EPA to control it at its source. The broad scope of the kinds of vehicles covered is matched with clear discretion to adopt reasonable controls that are appropriate under the specific circumstances. EPA's proposed interpretation does the opposite – it would require EPA to ignore a very large and growing source of harmful air pollution from motor vehicles, and would eliminate EPA's ability to protect the public from this pollution. Whether or not one agrees with the specific controls adopted by EPA in the 2016 Rule is not the issue. The issue is whether the purposes of section 202(a)(1) of the Act are promoted by totally precluding EPA from addressing in any fashion a major and growing source of motor vehicle air pollution, where the vehicles clearly meet the terms of the definition adopted by Congress. EPA's 2016 Phase 2

[239] 42 U.S.C. § 7550.
[240] *Id.*
[241] 42 U.S.C. § 7522.
[242] *See, e.g.*, CAA §§ 202(a)(1),); 202(a)(3)(A)), (B); 202(a)(3)(D); 213.

Standards properly promoted the purposes of the Act, but the Agency's proposed interpretation does just the opposite.

c. EPA has explicit authority to regulate emissions from rebuilt heavy-duty engines.

EPA has explicit authority under Section 202(a)(3)(D) of the CAA to adopt regulations to control emissions from rebuilt heavy-duty engines.[243] This authority independently supports the provisions EPA proposes to repeal, as EPA acknowledged in the Phase 2 Standards themselves.[244] Yet EPA does not even address this authority in the Proposed Rule. EPA may not disclaim authority to regulate glider vehicles without explaining how this authority fails to support the standards.

There is no dispute that glider vehicles use exclusively rebuilt heavy-duty diesel engines.[245] The Phase 2 Standards explicitly relied on this authority as a separate and stand-alone basis for the glider vehicle provisions.[246] Section 202(a)(3)(D) of the Act provides that,

> "[t]he Administrator shall study the practice of rebuilding heavy-duty engines and the impact rebuilding has on engine emissions. On the basis ofthat study and other information available to the Administrator, the Administrator may prescribe requirements to control rebuilding practices, including standards applicable to emission from any rebuilt heavy-duty engines … which in the Administrator's judgment cause, or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare taking costs into account."

EPA must give "appropriate consideration to the cost of compliance within the period and energy and safety factors."[247]

As EPA notes in the Proposed Rule, the Agency has previously adopted controls under section 202(a)(3)(D).[248] In 2016, EPA again properly exercised its authority under the rebuild authority. EPA has studied the emissions impact of rebuilt engines and of the glider vehicles in which they are placed, and in promulgating regulations implementing the authority, acted on "other information available to the Administrator" in the form of many decades of research confirming

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[243] 42 U.S.C. § 7521.
[244] *See* HDP2 Rule 81 Fed. Reg. at 73,518 (listing § 202(a)(3)(D) as among the "multiple authorities" supporting the rule).
[245] *See, e.g.* 81 Fed. Reg. 73,518 n.93; HDP2 Response to Comments at 1879-1880; *see also* Fitzgerald Glider Kits, About Fitzgerald, https://www.fitzgeraldgliderkits.com/about-fitzgerald/ ("Fitzgerald Glider Kits specializes in installing the remanufactured main components (engine, transmission and/or rear ends) from a donor truck that was either wrecked or unsafe for the road, into a new cab and chassis built by the OEM.") (last accessed Jan. 1, 2018).
[246] *See, e.g.,* 81 Fed. Reg. 73,518 n.94 ("The engine rebuilding authority of section 202(a)(3)(D) includes removal of an engine from the donor vehicle . . . [and] EPA interprets this language as including installation of the removed engine into a glider kit, thereby assembling a glider vehicle."); *id.* at 73,519/1-2; *id.* at 73,944 n.991; 73,945/3; 73,946 ("EPA has broad authority to control all pollutant emissions from 'any' rebuilt heavy duty engines (including engines beyond their statutory useful life))" (citing § 202(a)(3)(D)); HDP2 Response to Comments at 1879.
[247] 42 U.S.C. § 7521.
[248] Proposed Rule, 82 Fed. Reg. 53,443 and n.2, citing 40 CFR § 1068.120; *see also* 40 CFR § 86.004-40.

the health harms from air pollution caused by the types of engines used in glider vehicles. [249] EPA has long found that diesel exhaust contains air pollutants that endanger public health and welfare.[250] Likewise, it is well understood that the rebuilt diesel engines in glider vehicles contribute to the air pollution that endangers public health and welfare.[251] In promulgating the glider provisions of the Phase 2 Standards, EPA conducted the requisite assessments ofcost,[252] energy,[253] safety,[254] and lead time.[255]

The 2017 Proposed Rule acknowledges EPA's "authority to address heavy-duty engine rebuilding practices under CAA section 202(a)(3)(D)."[256] The Proposed Rule's failure to explain why, in light of all the relevant factors, it chooses not to exercise this conceded authority—indeed, the agency's failure to even articulate that it has chosen not to exercise this authority—renders this rulemaking unlawful.

K The Agency has not attempted to, and cannot, justify revocation of its exercise of rebuild authority

The proposal ignores that EPA exercised its rebuild authority as a separate basis for the 2016 Phase 2 Standards on glider vehicle engines.[257] While the reason for this omission is opaque, the agency is wrong to the extent that it considers its arguments against EPA's authority under Section 202(a)(1) sufficient to repeal the glider provisions. A new proposal would be required todisclaim the rebuild rationale, which was and is an independent and sufficient basis for the 2016 glider provisions. EPA has not indicated that it is revoking this prior exercise of the rebuild authority, and has failed to explain or justify such an action, a fatal substantive and procedural

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[249] HDP2 Rule, 81 Fed Reg. 73,942-43; 61 Fed. Reg. 33,449 (June 27, 1996). Regulation under section 202(a)(3)(D) is not required to be based exclusively on the rebuilding study. Even if it were, EPA may consider factors other than the study in exercising the delegated authority. *See Sierra Club v. EPA*, 323 F.3d 377 (D.C. Cir. 2003).

[250] *See, e.g..,* Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Regulations Requiring Onboard Diagnostic Systems on 2010 and Later Heavy-Duty Engines Used in Highway Applications Over 14,000 Pounds; Revisions to Onboard Diagnostic Requirements for Diesel Highway Heavy-Duty Vehicles Under 14,000 Pounds, 72 Fed. Reg. 3200, 3204/2-3 (Jan. 24. 2007);), https://www.gpo.gov/fdsys/pkg/FR-2007-01-24/pdf/07-110.pdf; *see also Nat'l Petrochemical and Refiners Assn v. EPA*, 287 F. 3d 1160, 1164 (D.C. Cir. 2002); *see also* 80 40528Fed. Reg. 40,528/3 (July 15, 2015) (EPA has long since justified the standards for control of criteria pollutant emissions from heavy duty diesel engines).

[251] *See* HDP2 Rule 81 73943Fed. Reg. 73,943 (glider vehicles will account for 33% of the NOx heavy duty inventory if current production rates continue several more model years, even though only 5% of trucks would be glider vehicles).

[252] *See, e.g..,* HDP2 Rule, 81 Fed. Reg. at 73,943/2 (annual monetized benefit of control from $6-$14 billion for PM control alone); 80 Fed. Reg. 40,529/1 (July 13, 2015) (low compliance costs); and HDP2 Response to Comments at 1882 (EPA notes that Fitzgerald Glider Kits, the leading manufacturer, states publicly that it can be profitable at 300 glider vehicles annually).

[253] *See, e.g..,* 81 Fed. Reg. 73,517; HDP2 Response to Comments at 1877, -79.

[254] *See* 80 Fed. Reg. 40,529/1 (July 13, 2015).

[255] *See, e.g.* 81 Fed. Reg. 73,518-19 and HDP2 Response to Comment at 1880 (engines certified to current engine model year are available to glider vehicle assemblers at any time).

[256] Proposed Rule, 82 Fed. Reg. at 53,443.

[257] *See e.g.* 81 FR 73518/1; 73519/1-2; 73944 n. 991; 73945/3; Response to Comment Background Document ("RTC") p. 1879.

deficiency.[258] The Supreme Court has "frequently reiterated that an agency must cogently explain why it has exercised its discretion in a given manner."[259]

EPA's failure to revoke its authority renders this proposal unlawful—but even if the agency had attempted to revoke its exercise of the authority, no reasoned explanation for doing so exists. As discussed in Section 1 above, the threats posed to public health of these engines' unregulated emissions was substantial even on the basis of the risk estimates in the 2016 final rule, and more recent information indicates that those threats were significantly underestimated.

The Proposed Rule references earlier exercises of the rebuild authority – though omits some significant examples[260]— and asserts that "[i]f the interpretation being proposed here were to be finalized, EPA's authority to address heavy-duty engine rebuilding practices under CAA section 202(a)(3)(D) would not be affected."[261] The agency has neither acknowledged that it is changing position regarding its exercise of authority under the engine rebuilding provision[262] — indeed, it outright misstates the issue at 82 Fed. Reg. 53,443— andhas not offered any explanation for its unacknowledged and unjustifiable change.

EPA independently supported the gliders provisions in its Phase 2 Standards with a compelling justification under section 202(a)(3)(D).[263] EPA has not revoked this separate, stand-alone authority for the glider provisions, and there is no basis for EPA to revoke this exercise of authority over the dangerous and disproportionate pollution from rebuilt diesel engines in glider vehicles. EPA's failure to consider this issue necessitates a reproposal should the agency still seek to amend any feature of the Phase 2 Standards to alter their substantive terms.

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In the Phase 2 Standards, EPA provided that glider kit manufacturers are "incomplete vehicle manufacturers," and thus responsible for complying with the emission standards established for glider vehicles.

EPA proposes to eliminate the provisions regarding glider kits, offering two grounds: (1) if glider vehicles are not new motor vehicles, then the glider kits cannot be regulated as incomplete new motor vehicles, and (2) a glider kit may not itself meet the definition of "motor vehicle"

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[258] *See State Farm*, 463 U.S. at 42 ("[A]n agency changing course must supply a reasoned explanation for the change beyond that which may be required when an agency does not act in the first instance"); *id.* at 43 (stating that an agency acts arbitrarily when it "entirely failed to consider an important aspect of the problem").
[259] *State Farm*, 467 U.S. at 48.
[260] EPA has regulated the emissions from remanufactured engines in locomotives and marine vessels as new engines. *See* 40 CFR Part 1042 subpart I (marine engines) and 40 CFR § 92.1(a). These rules are based on the statutory provision that "new motor vehicle engines" can include a used engine. *See* 63 Fed. Reg. 18980 (April 16, 1998) (applying that definition to non-road engines by analogy),); 40 CFR § 92.2 (definition of "new locomotive engine").
[261] Proposed Rule, 82 Fed. Reg. at 53,443.
[262] *See Encino Motorcars LLC v. Navarro*, 136 S. Ct. 2117, 2126 (2016) (stating that when an agency changes position it must at a minimum acknowledge the change and offer a reasoned explanation for it).
[263] *See* HDP2 Rule 81 Fed. Reg. at 73,518 (listing § 202(a)(3)(D) as among the "multiple authorities" supporting the rule).

because, lacking a powertrain, it is not self-propelled.[264] The Proposal misapprehends the traditional regulatory policy of delegated assembly, which allows that when a motor vehicle has multiple manufacturers, these manufacturers may agree among themselves which is to certify compliance. The Proposal's new interpretation of glider kits as not meeting the definition of "motor vehicle" is in irreconcilable tension with the Agency's well-established exercise of authority over emissions from heavy-duty vehicles, which typically have multiple manufacturers.

In addressing its authority over glider kits in the Phase 2 Standards, EPA explained that it "has the authority to regulate incomplete motor vehicles and manufacturers thereof, including unmotorized chassis," and "considers glider kits to be incomplete motor vehicles and entities manufacturing gliders to be manufacturers of those vehicles."[265] EPA correctly concluded that, for purposes of Title 2 of the CAA, a glider kit manufacturer, which controls the vehicle's chassis, cab, tires, body, and brakes, is a "manufacturer of a motor vehicle."[266] And, indeed, it makes practical sense for the glider kit manufacturer to be included "as an entity responsible for assuring that glider vehicles meet the Phase 2 vehicle emission standards" because the glider kit manufacturer "control[s] critical elements of the ultimate vehicle's greenhouse gas emissions, in particular, all aerodynamic features and all emissions related to steer tire type."[267]

In the Phase 2 Standards, EPA did not set separate emission standards for glider kits but indicated that either the glider kit manufacturer or the glider vehicle manufacturer could certify compliance with the greenhouse gas vehicle standards.[268] EPA indicated that this was a routine application of the 'delegated assembly' regulatory provisions, a compliance flexibility which provides that when a new motor vehicle has multiple manufacturers, any of those manufacturers may certify compliance with applicable standards provided certain conditions are satisfied.[269] If the glider kit manufacturer chooses not to certify, it must send certain information to the downstream manufacturer of the glider vehicle, including a fuel map for each engine used, or a default map consistent with good engineering judgment should a manufacturer be unable to generate or obtain a fuel map for the actual engine.[270] Glider kit manufacturers are also responsible for generating test data with respect to aerodynamics and tires.

As explained in section V above, it is clear that glider vehicles are new motor vehicles. In light of this, it is equally clear that EPA has ample authority to promulgate the various provisions concerning glider kits in the Final Rule. First, EPA has obvious authority to promulgate GHG standards for new motor vehicles, which as discussed above includes glider vehicles. The issue then becomes which entity involved in manufacture of the vehicle must certify compliance with those standards. As EPA explained in the preamble to the Phase 2 Standards, the Act

[264] Proposed Rule, 82 Fed. Reg. at 53,446.
[265] HDP2 Rule, 81 Fed. Reg. at 73,945.
[266] HDP2 Rule, 81 Fed. Reg. at 73,516.
[267] 81 Fed. Reg. at 73,516-17.
[268] 81 Fed. Reg. at 73,517-18.
[269] *Id.* at 73,518 and 73,945 referring to the regulations at 40 CFR part 1037.620 through 1037.622; *see also* RTC p. 1884.
[270] 81 Fed. Reg. at 73,942.

contemplates that there can be multiple manufacturers of a motor vehicle.[271] Indeed, this is routine for heavy-duty vehicles, where one entity typically manufactures a tractor, another the engine, a third manufactures the trailer, and a fourth assembles the tractor trailer.[272] Since any manufacturer may certify under section 206 of the CAA, EPA rules have long provided provisions allowing manufacturers to choose which manufacturer certifies and what obligations the non-certifying manufacturer(s) assume.[273] The provisions provide a needed measure of flexibility to the certification process by allowing manufacturers themselves to determine which entity is most appropriate to certify in a given instance, and allows an upstream manufacturer to introduce a vehicle into commerce before it is in certified condition when a downstream manufacturer certifies. As EPA explained in the Phase 2 Standards, the provisions regarding glider kit manufacturers are simply an application of these long-standing provisions.[274] They allow, but do not compel, the glider kit manufacturer to certify compliance. In the Proposed Rule, EPA does not provide any considerations to justify eliminating this useful flexibility, intended to ease compliance with the provisions.

Moreover, section 208(a) of the Act provides EPA with authority to regulate manufacturers of "new motor vehicle … parts or components", including authority to "perform tests where such testing is not otherwise reasonably available under this part". This provision provides additional authority to require glider kit manufacturers to generate engine maps and conduct aerodynamic and tire testing.

Further, CAA Section 203(a)(3)(B) prohibits the use of "defeat" devices and therefore requires the regulation of glider kits under the Act.[275] Title II of the CAA defines "defeat" devices to include "any part or component intended for use with, or as part of, any motor vehicle . . . where a principal effect of the part or component is to . . . defeat . . . any . . . element of design installed . . . in a motor vehicle… in compliance with regulations under this subchapter."[276] As EPA explained in the Phase 2 Standards, "a glider kit manufacturer furnishing a glider kit in a configuration that would not meet the *tractor* standard when the specified engine, transmission, and axle are installed would likewise *cause a violation of the tractor emission standard*."[277]

EPA, therefore, concluded that, "the glider kit would be a defeat device with respect to the tractor vehicle standard, not the separate engine standard. A non-conforming glider kit would adversely affect compliance with the vehicle standard."[278] This logic still holds. A glider vehicle is assembled with defeat device "components" for which a "principal effect" is to duck compliance with EPA regulations for new motor vehicles.

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[271] See 81 Fed. Reg. at 73,515-16, explaining that the definition of manufacturer in section 216(1) contemplates multiple entities since it includes entities engaged in either manufacturing or assembling a new motor vehicle.
[272] *Id.* at 73516.
[273] *See* provisions relating to delegated assembly in sections 1037.620-.622.
[274] 81 Fed. Reg. 73,517.
[275] 42 U.S.C. § 7522(a)(3)(B).
[276] *Id.* § 7522(a)(3)(B).
[277] 81 Fed. Reg. at 73,517 (emphasis added).
[278] *Id.* at 73,517.

In short, the proposal misidentifies the issue, compromises long-standing and useful delegated assembly regulatory provisions, and is in any case without merit.

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In any rulemaking, an agency must support all of its decisions by reasoned explanation, comprehensively examining the relevant data and clearly articulating a well-reasoned and complete explanation for its action.[279] Whether writing on a clean slate or changing policy previously on the books, an agency acts arbitrarily when it entirely fails to consider an important aspect of the problem it is addressing.[280] And where an agency reverses its position, its decision must also be rigorously supported,[281] including explanations for changes in policy and a "rational connection between the facts found and the choice made."[282] EPA has failed to provide a reasoned explanation for the proposed repeal and has failed to adequately explain the agency's change in position, making the proposed action procedurally deficient and quintessentially arbitrary and capricious. EPA's blinkered analysis is a clear violation of the agency's duty to explain its decision-making, as articulated in *State Farm* and subsequent case law.[283]

a. Agencies must justify reversing the course of policy by addressing the existing record.

As the basis for reversing course, the agencies may not offer a justification "that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."[284] Where EPA makes factual findings to support a new policy, and those findings contradict the prior record, it must also provide "a more detailed justification" in demonstrating that the change is reasoned.[285] An agency may not "disregard contrary or inconvenient factual determinations that it made in the past, any more than it can ignore inconvenient facts when it writes on a blank slate."[286] In particular, more detailed explanations would be necessary here if a new final determination relies on "factual findings that contradict those which underlay. . . prior policy."[287] No judicial deference is provided to an agency's purported exercise of its technical expertise when that explanation lacks coherence.[288]

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[279] *See Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 43-44 (1983).

[280] *State Farm*, 463. U.S. at 43.

[281] *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *See also State Farm*, 463 U.S. 29 (1983).

[282] *State Farm*, 463 U.S. at 43 (citation omitted).

[283] *See id.* at 51.

[284] *Id.* at 43.

[285] *FCC*, 556 U.S. at 515 (When an agency's "new policy rests upon factual findings that contradict those which underlay its prior policy," the agency must "provide a more detailed justification than what would suffice for a new policy created on a blank slate.").

[286] *Id.* at 537 (Kennedy, J. concurring).

[287] *Id.* at 515.

[288] *Tripoli Rocketry Ass'n v. BATFE,* 437 F. 3d 75, 77 (D.C. Cir. 2006) ("The problem in this case is that ATFE's explanation for its determination that APCP deflagrates lacks any coherence. We therefore owe no deference to ATFE's purported expertise because we cannot discern it."); *Coburn v. McHugh*, 679 F. 3d 924, 926, 934 (D.C. Cir. 2012) ("Because the ABCMR's decisions are largely incomprehensible on these points, they are unworthy of any

In particular, the Supreme Court has emphasized that more detailed explanations may be necessary in the case of rules that involve "serious reliance interests."[289] In this case, freight truck manufacturers have made significant investments in modern pollution controls in reliance on a level playing field,[290] one that the glider truck pollution standards rollback would seriously undermine. Moreover, local air quality jurisdictions and regulations across the country rely on federal vehicle standards as part of complex, multi-step deliberations and planning to achieve air quality goals, such as nitrogen oxides reductions in California; these reliance interests will be seriously impacted should EPA move ahead and finalize this proposal.[291] Under such circumstances, agencies must provide "a more detailed justification" than what is required for a new regulation created on a blank slate.[292]

Rulemaking under the Clean Air Act is subject to the general requirements of statutory conformity and reasoned decision-making derived from the Administrative Procedure Act and basic principles of administrative law.[293] Among other requirements, Clean Air Act rules cannot be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," or "without observance of procedure required by law."[294]

These requirements fully apply to decisions to modify or repeal existing regulations.[295] Agencies, including EPA, must adhere to basic standards of reasoned decision-making when they propose to change existing policy by repealing regulations. Although agencies generally enjoy latitude to change their policies, they cannot ignore the policies they propose to abandon, disregard the factual record underlying those policies, adopt new policies that violate the law, or leave changes in policy direction inadequately explained.

Agencies must justify changes in course – with the particular burden of justification depending upon the circumstances. Among other things, an agency seeking to repeal existing policy must:

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deference."); *see also Haselwander v. McHugh*, 774 F. 3d 990, 996 (D.C. Cir. 2014); *Global Tel*Link v. FCC,* 859 F.3d 39, 56 (D.C. Cir. 2017).

[289] *FCC*, 556 U.S. at 515; *see also Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2126 (2016).

[290] *See, e.g.*, Testimony of Glen Kedzie, American Trucking Associations, EPA public hearing on Proposed Rule (December 4, 2017) ("ATA members buy a tremendous amount of new equipment and pay a premium price investing in clean engine technologies.").

[291] *See, e.g.*, Testimony of Steve Cliff, Deputy Executive Officer, California Air Resources Board, EPA public hearing on Proposed Rule (December 4, 2017) ("Gliders are so much higher emitting than modern trucks that even if only a small number of them operate in California, California's overall air quality progress will be impeded.").

[292] *FCC*, 556 U.S. at 515-16.

[293] See 42 U.S.C. 7607(d)(9); see *also* 5 U.S.C. 706(1); *Catawba County v. EPA*, 571 F.3d 20, 41 (D.C. Cir. 2009) (discussing CAA and APA review standards).

[294] 42 U.S.C. 7607(d)(9)(A, C, D).

[295] See *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 514-15 (2009); *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43-44 (1983); *see Nat'l Ass'n of Home Builders v. EPA*, 682 F.3d 1032, 1038 (D.C. Cir. 2012).

(1) Acknowledge the change in policy;[296]
(2) Provide a "reasoned explanation" for changing course;[297]
(3) Demonstrate that the new policy is itself consistent with the governing statute;[298]
(4) Ensure that the new policy is itself supported by the record, "based on consideration of the relevant factors," and supported with "rational connection[s] between the facts found and the choice made";[299]

(5) Explain why the agency is rejecting policy judgments or factual determinations underlying the prior rule;[300]
(6) Consider relevant alternatives reflected in the prior rule's record, and explain why agency is not adopting them in the new rule;[301]
(7) Address "serious reliance interests" grounded on the prior policy.[302]

When changing regulations by amendment, agencies must provide a "reasoned explanation for the change."[303] They must "of course. . . show that there are good reasons for the new policy," and they must acknowledge and address ways in which the "new policy rests upon factual

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[296] See *FCC*, 556 U.S. at 514-15 (to change course an agency must "display awareness that it is changing position," and "show that there are good reasons for the new policy"). *See Verizon v. FCC*, 740 F.3d 623, 636 (D.C. Cir. 2014) (agency must "acknowledge" and "explain the reasons for a changed interpretation").
[297] *State Farm*, 463 U.S. at 42. See also *AMB Onsite Services-West v. NLRB*, 849 F.3d 1137, 1146 (D.C. Cir. 2017) ("It is well-settled that NRLB. . . cannot 'turn[] its back on its own precedent and policy without reasoned explanation.'") (quoting *Dupuy v. NLRB*, 806 F.3d 556, 563 (D.C. Cir. 2015)); *see Public Citizen v. Steed*, 733 F.2d 93, 98 (D.C. Cir. 1984); *see also*; *Verizon v. FCC*, 740 F.3d 623, 636 (D.C. Cir. 2014).
[298] See *FCC*, 556 U.S. at 514-15 (new policy must be "permissible under the statute"); *see also Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981 (2005); *Chevron USA v. NRDC*, 467 U.S. 837, 865-66 (1984); *see Public Citizen v. Fed. Motor Carrier Safety Admin.*, 374 F.3d 1209, 1216 (D.C. Cir. 2004).
[299] See *State Farm*, 463 U.S. at 43 (agency decision must be "'based on a consideration of the relevant factors" and agency cannot have "relied on factors which Congress has not intended it to consider") (quoting *Burlington Truck Lines v. United States,* 371 U.S. 156, 168 (1962))); *Pub. Citizen v. Fed. Motor Carrier Safety Admin.*, 374 F.3d 1209, 1216 (D.C. Cir. 2004); 42 U.S.C. 7607(d)(9).
[300] *FCC*, 556 U.S. at 516 ("when . . . [a] new policy rests upon factual findings that contradict those which underlay its prior policy" agency must provide "a more detailed justification than what would suffice for a new policy created on a blank slate"; agency must supply adequate grounds "for disregarding facts and circumstances that underlay or were engendered by" prior rule); *Pub. Citizen*, 733 F.2d at 98 (agency must "'cogently explain'" basis for suspending rule) (quoting *State Farm*, 463 U.S. at 48); *Organized Village of Kake v. U.S. Dep't off Agric.,* 795 F.3d 956, 968-969 (9th Cir. 2015); *AMB Onsite Services-West v. NLRB*, 849 F.3d 1137, 1146 (D.C. Cir. 2017); *see also, Humane Soc'y v. Locke*, 626 F.3d 1040, 1051 (9th Cir. 2010).
[301] *State Farm*, 463 U.S. at 51 (finding that NHTSA had arbitrarily failed to explain its rejection of option of requiring airbags despite its prior finding "that airbags are an effective and cost-beneficial life-saving technology"); *Pub.Citizen v. Steed*, 733 F.2d 93, 100 (D.C. Cir. 1984) (setting aside suspension of rule because NHTSA "failed to explain why alternatives, which the rulemaking record indicates were available to the agency, could not correct" problem agency relied on as basis for suspending rule); *Int'l Ladies' Garment Workers' Union v. Donovan*, 722 F.2d 795, 816 (D.C. Cir. 1983) (agency impermissibly failed to consider alternatives to repeal "raised in [the] original notice and the comments").
[302] *See, e.g.*, *Encino Motorcars v. Navarro*, 136 S. Ct. 2117, 2126 (2016) (quoting *FCC,* 566 U.S., at 515); *see also Smiley v. Citibank South Dakota*, 517 U.S. 735, 742 (1996); *U.S. Telecom Ass'n v. FCC*, 825 F.3d 674, 708 (D.C. Cir. 2016).
[303] *Encino Motorcars v. Navarro*, 136 S. Ct. at 2125 (citing *Nat'l Cable & Telecomms. Assn. v. Brand X Internet Serv.*, 545 U.S. 967, 981–982 (2005) and *NRDC v. Chevron*, 467 U.S. 837, 863–864 (1984)).

findings that contradict those which underlay its prior policy."[304] As *State Farm* explains, an agency proposing to change policy must squarely address the legal and record bases of the policy it proposes to repeal and must explain why it is changing course.[305] An agency proposing a regulatory change must openly address and analyze the *substance* of the old and new policies, including both their evidentiary bases and the relation to the relevant statute.[306] It must also provide a reasoned explanation for rejecting or discounting the importance of facts that it had previously relied upon.[307]

b. EPA has utterly failed to address the existing record for the glider provisions, failing to properly justify the Proposed Repeal.

EPA's failure to consider any of the myriad factual and policy issues implicated by revoking the glider truck pollution limits violates bedrock principles of reasoned decision-making. These principles require that agencies consider all relevant factors, provide a rational explanation for their policy choices, address relevant factual issues, and respond to significant issues and concerns raised in the public comments.

EPA's proposal to exempt glider vehicles from pollution limits disregards these constraints. As in *State Farm*,[308] the agency's casual approach to deregulation has included scant consideration of the urgent public hazard its proposal would create. EPA is proposing to excuse glider trucks entirely from any modern pollution limits, so that there will be no federal protections in place against the dangerous pollutants from this growing source. That lack of protection is in direct conflict with EPA's findings concerning the growing pollution burden from glider trucks, and EPA's own statutory obligation to address these pollutants and protect public health. If EPA is to finalize the Proposed Rule, the agency has an obligation to explain why it is departing from the well-documented determinations made in the 2016 Phase 2 Standards. Yet, in the proposal, EPA fails to address the factual record.

EPA's Proposed Rule is devoid of any real acknowledgment of major health risks from glider vehicles' disproportionate pollution. So far as the Proposed Rule reveals, EPA has given no considerationto the impact of glider truck emissions and the proposed repeal on public health and welfare; indeed, the agency's new report on glider vehicle emissions goes unmentioned even though it shows the pollution from glider vehicles is even worse than the agency anticipated in the Phase 2 Standards. The central health- and welfare-protective purpose of Clean Air Act Section 202 is missing from EPA's statutory analysis, which is driven instead by an effort to shrink and avoid EPA's obligations to control pollution from heavy-duty diesel engines and vehicles. Numerous additional consequential factors that EPA has failed to address, including environmental justice concerns, the effect on heavy-duty industry investments in emission controls, the effects on small business dealers, impacts on states' ability to meet NAAQS, and

[304] *FCC*, 556 U.S. 502, 515 (2009).
[305] *State Farm*, 463 U.S. at 41-42.
[306] *See id.* at 46-49.
[307] *FCC*, 556 U.S. 502, 515-16.
[308] *State Farm*, 463 U.S. at 52-53 (noting undisputed evidence that use of seat belts would save many lives).

the implications of the proposed interpretation of the statute on other vehicle standards, are itemized in Section 7(e) below.

EPA may not avoid its obligation to confront its own findings by claiming that the Proposed Rule is exclusively statutory in nature.[309] The statute is centrally concerned with pollution control, and EPA's proposal would cause dramatic increases in pollution, while also undermining emissions standards for other heavy-duty vehicles whose sales are directly impacted by the proliferation of glider vehicles. EPA may not avoid (either as a matter of reasoned statutory construction under *Chevron* or as "reasoned decisionmaking" under *State Farm*) analysis of how its proposed action relates to these factors.

Similarly, EPA cannot rationally choose among alternative interpretations of the Clean Air Act without considering the practical consequences of the alternative interpretations. EPA's proposal does not meaningfully address any of the underlying factual and policy judgments. Nor does EPA's proposal demonstrate why EPA's new interpretation is preferable in light of the purposes set out in the statute.

EPA cannot reasonably claim that this statute is so clear that it eliminates the need to consider facts and evidence.[310] Furthermore, the agency makes clear in the proposal that it does not believe the proposed course of action is commanded by the statute (as it clearly cannot), using clearly discretionary language such as "EPA is now proposing to find that the most reasonable reading of the relevant provisions"[311] is its new interpretation, and noting that the agency "is entitled to assess administrative records and evaluate priorities in light of the philosophy of the administration."[312]

c. *EPA has failed to justify the Proposed Repeal in light of the heavy-duty industry's reliance interests in maintaining the Phase 2 glider provisions.*

EPA also has given no consideration to the substantial reliance interests that would be undone were EPA to finalize its repeal as proposed.[313] A diverse array of heavy duty freight industry constituents — tractor manufacturers, engine manufacturers, pollution control equipment

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[309] 82 Fed. Reg. 53,442, 53,444-46 (Nov. 16, 2017).

[310] See *Peter Pan Bus Lines v. Fed. Motor Carrier Safety Admin.,* 471 F.3d 1350, 1354 (D.C.Cir.2006) (" 'deference to an agency's interpretation of a statute is not appropriate when the agency wrongly believes that interpretation is compelled by Congress'") (quoting *PDK Laboratories v. DEA,* 362 F.3d 786, 798 (D.C.Cir. 2004) (other citations omitted)); *Peter Pan,* 471 F.3d at 1354 ("As we explained in *PDK, Chevron* step 2 deference is reserved for those instances when an agency recognizes that the Congress's intent is not plain from the statute's face. 'In precisely those kinds of cases, it is incumbent upon the agency not to rest simply on its parsing of the statutory language'— '[language"—"[i]t must bring its experience and expertise to bear in light of competing interests at stake.' ").") (quoting *PDK,* 362 F.3d at 797–98 (citing *Chevron v. NRDC,* 467 U.S. 837, 865–66 (1984)));); *Prill v. NLRB*, 755 F.2d 941, 947–48 (D.C. Cir. 1985) (agency commits reversible error when agency erroneously concludes that particular regulatory action is mandated by statute, rather than based on its "own judgment").

[311] 82 Fed. Reg. at 53,447.

[312] 82 Fed. Reg. at 53,443.

[313] See *Mexichem Flour v. EPA,* 866 F.3d 451, 462 (D. C. Cir. 2017) ("to the extent that EPA's prior approach had 'engendered serious reliance interests,' EPA would need to provide a 'more detailed justification' for its change") (quoting", *FCC v. Fox Television Stations*, 566 U.S. 502, 515 (2009)).).

manufacturers, large fleet operators, and truck dealers— travelled to the December 4 public hearing to underscore that this proposal will undercut to their settled expectations and investment in modern pollution control of heavy duty trucks. EPA's failure to address this issue is itself fatal legal error.[314]

d. EPA has failed to provide adequate notice of key issues.

EPA fails to provide adequate notice of any of the key issues involved, much less how the agency evaluates and intends to address those issues. The critical issues on which the agency has failed to provide notice are many. Among these are:

1. any discussion of the proposal's environmental and public health consequences;
2. any discussion of the impacts the proposal would have on environmental justice and near-road communities, which will be disproportionately exposed to the diesel exhaust from glider vehicles;
3. any discussion of the impacts on manufacturers and dealers (many of them small businesses) of current engines and trucks;
4. any discussion of the implications for attainment and maintenance of PM and ozone NAAQS;
5. any discussion of the safety of glider vehicles;
6. any discussion of why—or even whether—having exercised its section 202 (a)(3)(D) authority over rebuilt diesel engines in the Phase 2 Standards, EPA now is choosing to revoke its exercise of that authority;
7. and most fundamentally, any discussion of how the proposal is consistent with the goals and objectives of the Clean Air Act.

To provide adequate notice, an agency must "make its views known to the public in a concrete and focused form so as to make criticism or formulation of alternatives possible".[315] This is impossible here given the agency's failure even to mention, much less rationally discuss, the host of issues essential to the question of whether unregulated operation of the high-polluting glider vehicles should be allowed.

Moreover, the obligation to provide adequate notice "is especially important in light of Congress' intent, expressed in Section 307(d) [of the CAA], that EPA provide a detailed proposal for interested parties to focus their comments on."[316] Section 307(d)(3) of the Act requires that EPA provide notice in the proposed rule of "the factual data on which the proposed rule is based", "the methodology used in obtaining the data and in analyzing the data", and the "major … policy considerations underlying the proposed rule." All these data and documents are to be included in the docket on the date of proposal. Section 307(d)(6) provides that a regulation "may not be based (in part or whole) on any information or data which has not been placed in the docket as of the date of promulgation."[317] EPA has failed to comply with these

[314] See Section V above.
[315] *Home Box Office v. FCC*, 567 F.2d 9, 36 (D.C.Cir. 1977).
[316] *Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F. 2d 506, 546 (D.C. Cir. 1983).
[317] 42 U.S.C. § 7607. *See also Small Refiner Lead Phase-Down Task Force*, 705 F.2d 506, 519 ("The final rule must be based entirely on material that has 'been placed in the docket as of the date of ... promulgation'").

requirements. EPA invokes the Tennessee Technical University letter on glider vehicle emissions without disclosing any relevant information, such as the study's test conditions and methodology, or the discussion between EPA technical staff and TTU discussed above.[318] Nor has EPA made available the emissions data supporting the TTU study conclusions it references in the proposal,[319] undermining the public's ability to meaningfully comment upon it.[320]

The proposal also fails to disclose that the agency had conducted its own emission tests in 2017, which not only confirm the magnitude of glider vehicle emissions but indicate that those emissions are even higher than initially estimated. Documentation of EPA's own emissions testing and of EPA's teleconference with TTU on TTU's testing methodology was not posted to the rule docket until November 22, 2017,[321] several days after publication of the proposal, limiting stakeholders' ability to assess and comment on it.[322] The proposal also makes no mention of the meeting between Fitzgerald and Administrator Pruitt, which likely influenced the reopening of the 2016 final rule and hence is "information … on which the proposed rule relies".[323] These omissions and delayed availability of centrally relevant data are and in clear violation of section 307(d)(3), section 307(d)(6), and basic administrative due process.[324] Indeed, Congress intended notice and opportunity for comment to be particularly extensive under section 307(d)(3) the CAA.[325]

Without any indication from the agency of its views on any of the relevant and vital issues on which EPA failed to provide notice, no final action in this proceeding is possible unless and until adequate notice and opportunity to comment are provided by the agency.[326] In light of the agency's failure to provide notice of any number of key facts upon which the proposed repeal is

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[318] *See* Section I above.

[319] *See* Email from William Charmley to Tom Brewer, Doc. ID: EPA-HQ-OAR-2014-0827-4272, available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4272.

[320] *Kennecott Corp. v. EPA*, 684 F.2d 1007, 1019 (D.C. Cir. 1982) (documents which "form a basis for the regulations . . . should properly have been included in the docket" and "EPA's failure to include such documents constitutes reversible error"); "Integral to an agency's notice requirement is its duty to "identify and make available technical studies and data that it has employed in reaching the decisions to propose particular rules. *Kern Cty. Farm Bureau v. Allen*, 450 F.3d 1072, 1076 (9th Cir. 2006) ("An agency commits serious procedural error when it fails to reveal portions of the technical basis for a proposed rule in time to allow for meaningful commentary.'") (quoting Solite Corp. v. EPA, 952 F.2d 473, 484 (D.C. Cir. 1991)).

[321] The date that the memo was posted to the docket is indicated at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417.

[322] See Section VIII.

[323] 42 U.S.C. § 7607; *see* Section IX below.)

[324] *Sierra Club v. Costle*, 657 F.2d 298, 398 (D.C. Cir. 1981) ("If . . . documents of central importance upon which EPA intended to rely had been entered on the docket too late for any meaningful public comment prior to promulgation, then both the structure and spirit of section 307 would have been violated.").

[325] *See, e.g.*, H.R. Rep. at 319, 4 Leg. Hist. 2786, 1977 U.S. Code Cong. & Ad. News at 1398 (the new procedures will "insure an effective opportunity for public participation in the rulemaking process"); 123 Cong. Rec. 27,075 (1977), 3 Leg. Hist. 333 (statement of Rep. Broyhill) (the new procedures "will assure the opportunity for more extensive public participation in the rulemaking process").

[326] *Ne. Maryland Waste Disposal Auth. v. EPA*, 358 F.3d 936, 949 (D.C. Cir. 2004) ("Without a readily accessible statement of the agency's rationale, interested parties cannot comment meaningfully during the rulemaking process.")

based,[327] or of major legal interpretations underlying the proposed rule,[328] EPA must issue a reproposal should the agency still seek to substantively amend any feature of the Phase 2 Standards.[329]

Not only must EPA rely on docketed information in promulgating a rulemaking, the agency is required under section 307(d)(6)(B) to respond to significant comments.[330] Failure to do so constitutes a procedural failure.[331]

e. The Proposal Fails to Consider, Let Alone Reasonably Address, an Array of the Factors Relevant to EPA's Decision.

An agency acts arbitrarily when it "entirely failed to consider an important aspect of the problem."[332] The proposal fails to consider a host of critical issues:

— *Any consideration of environmental consequences.* EPA estimated in the 2016 Final Rule that each model year of glider vehicle production at an estimated 10,000 vehicles per year would result in from 700-1600 premature mortalities.[333] This estimate is for exposure to PM2.5 alone, and does not account for cancers caused by exposure to the unfiltered diesel exhaust or from exposure to ozone. It now appears that these estimates are too low — measured PM emissions from a Fitzgerald glider truck were up to 10 times higher than EPA estimated in its risk assessment.[334] EDF's own modeling indicates that, with the likely increase in glider vehicle sales, pollution burdens from this Proposed Rule may be even more significant than EPA's 2016 evaluation.[335] The Proposal ignores the issue, except for an offhand statement (after noting that health benefits to children from the 2016 Final Rule would be lost) that NAAQS protections remain.[336] There is no NAAQS for diesel exhaust, and EPA says nothing whatever about what means, if any, could be available to the States to address the additional NAAQS pollution. And if Congress intended that the NAAQS would be sufficient protection from vehicular air pollution, it would not have enacted Title 2 of the Clean Air Act. This glaring omission itself renders the proposal fatally arbitrary.

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[327] 42 U.S.C. § 7607.
[328] *Id.*
[329] *Kennecott Corp. v. EPA.*, 684 F.2d 1007, 1019–20 (D.C. Cir. 1982) (where data of central relevance to the rulemaking was not placed in the docket until shortly before promulgation, "EPA's refusal to convene a new round of public comment proceedings constitute[ed] reversible error under s 307(d)(9)"); Union Oil Co. of California v. U.S. E.P.A., 821 F.2d 678, 682-83 (D.C. Cir. 1987) (The "docket must provide the entire basis for the final rule . . . failure to docket data and analysis relied upon in formulating a final rule violates § 307(d)(6)(C) of the Clean Air Act").
[330] 42 U.S.C. § 7607.
[331] Ne. Maryland Waste Disposal Auth. v. EPA, 358 F.3d 936, 950 (D.C. Cir. 2004).
[332] *State Farm*, 463 U.S. at 43.
[333] *See* HDP2 Response to Comments at 1965 & 1963.
[334] U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, Docket No. EPA-HQ-OAR-2014-0827-2417.
[335] See Section 1(g).
[336] 82 Fed. Reg. 53,442; 53,448.

While EPA's failure to consider the impact of increased emissions on human health is a core error, it is hardly the only important consideration that EPA has failed to consider in the proposed rule:

— *Any consideration of the proposal's implications.* As explained at above[337], the proposal rests on a theory that threatens to undermine all Title 2 vehicular controls: put a used part on an otherwise new motor vehicle and Title 2 no longer applies. The proposal could also undermine existing standards for remanufactured marine and locomotive engines. The agency has failed to address these implications.

— *Any consideration of environmental justice issues.* Near-roadway communities will be exposed to additional harmful pollution from glider vehicles under this Proposed Rule.[338] These communities are disproportionately low-income communities of color. Under Executive Order 12,898, EPA has a responsibility to evaluate these impacts—yet the proposal provides no analysis or consideration of this issue.

—*Effects on trucking and engine manufacturing industries.* By sanctioning unlimited pollution emissions from glider vehicles, the proposal leads to a unlevel playing field, putting at risk investments and jobs in protective vehicular and engine emission controls.[339] An unlevel playing field will also adversely impact dealers of new trucks meeting current emission standards.[340] The proposal fails to address these impacts, or otherwise consider them.

— *Existence and exercise of authority over rebuilt diesel engines.* As explained above[341], section 202(a)(3)(D) of the Act not only provides explicit authority over rebuilt diesel engines, but EPA exercised that authority in the 2016 Final Rule to control emissions from rebuilt diesel engines in glider vehicles. The proposal unlawfully fails to explain why it is choosing to revoke its exercise of that authority.

— *Implications for attaining and maintaining PM and Ozone NAAQS.* Several states testified at the public hearing that states have factored in the restrictions on uncontrolled glider vehicular emissions into PM and NOx budgets. The proposal undermines these efforts and fails to address the issue. The proposal also fails to address the implications for stationary sources. The additional NOx and PM emissions will need to be made up out of stationary source emissions. The proposal again fails to address this issue.

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[337] *See* Section V above.
[338] See, e.g. Testimony of David Friedman, Consumers Union, , EPA public hearing on Proposed Rule (December 4, 2017); Testimony of Blanca Iris Verduzco, East Yard Communities for Environmental Justice, EPA public hearing on Proposed Rule (December 4, 2017).
[339] See, e.g., Testimony of Glen Kedzie, American Trucking Association, EPA public hearing on Proposed Rule (December 4, 2017); Testimony of Volvo, EPA public hearing on Proposed Rule (December 4, 2017); Testimony of Heavy Duty Fuel Efficiency Group, EPA public hearing on Proposed Rule (December 4, 2017).
[340] *See, e.g.*, Testimony of Robert Nuss, Nuss Trucks & Equipment, EPA public hearing on Proposed Rule (Dec. 4, 2017), ID No. EPA-HQ-OAR-2014-0827-4307 *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4307.
[341] Section V above.

— *Cost Benefit.* The 2016 Phase 2 Standards are conservatively estimated to yield monetized benefits of $3 to $11 billion each model year — and just for PM2.5 reductions.[342] The proposal fails to address why, given the explicit authority over emissions from new and rebuilt diesel engines, it would forgo these benefits. Indeed, the Proposed Rule does not include a cost-benefit analysis of the proposed course of action, just a brief and high-level economic assessment[343]-- even though the Proposed Rule acknowledges that it is a "significant regulatory action" under Executive Order 12,866.[344]

— *EPA Tests of Glider Vehicle Emissions.* Tests of glider vehicular emissions conducted at the EPA lab showed NOx and PM emissions at or higher than EPA initially estimated. The proposal omits mention of these tests and otherwise fails to account for this test information. Instead, it refers to a study conducted by Tennessee Tech University, ignoring this study's many deficiencies.[345] By failing to address the most relevant technical information, the Proposed Rule is again impermissibly arbitrary.

These serious omissions are only a partial list of critical issues which the proposal outright misses or otherwise fails to address sufficiently, rendering the proposal fatally arbitrary. As explained in the preceding section, these omissions also constitute impermissible lack of notice as to critical issues, necessitating a reproposal should EPA decide to proceed with this matter.

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EPA's rulemaking process has been inappropriately rushed, providing inadequate opportunity to comment on the numerous complex and troubling aspects of this rulemaking.

EPA's proposed rule was published on November 16, 2017.[346] After a short comment period, encompassing three separate federal holidays, comments are due on January 5, 2018.[347] EPA summarily rejected two reasonable and well-supported requests for additional time to comment from the American Lung Association (ALA) and the Northeast States for Coordinated Air Use Management (NESCAUM). As ALA noted, it requested additional time for comment in light of the significant public health ramifications of the proposal, the new information added to the docket and the challenge of the brief comment period:

> EPA added an important analysis of glider truck emissions to th e docket on November 22, 2017 that requires more time for review than is cu rrently available. … Further, on November 22, 2017, EPA added a memorandum to the docket: "EPA Teleconference with Tennessee Tech University Regarding Glider Test Report Summarized in June 2017 Letter." The proposed repeal cites the analysis from

[342] HDP2 Response to Comments at 1965.
[343] U.S. Environmental Protection Agency, Memorandum: Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, Nov. 16, 2017, EPA-HQ-OAR-2014-0827-2407.
[344] Proposed Rule, 82 Fed. Reg. at 53,447.
[345] *See* Section I above.
[346] 82 Fed. Reg. at 53,442.
[347] Id.

> Tennessee Technological University as justification for the proposal; however, the EPA memorandum raises many questions about the University's ana lysis, the test procedures followed and the results presented. The memorandum i ndicates that EPA will request additional information about "each of the test articles regarding engine and vehicle mileage and age" and "NOx emission levels as sociated with each test article." However, as of December 19, 2017, no additi onal information has been posted to the docket.[348]

Meanwhile, NESCAUM specifically noted that

> The US EPA's test results indicate significant burdens will beplaced upon our state air quality programs by allowing for a large increase of NOx an d fine particulate emissions from on-road heavy-duty trucks that had not previousl y been expected or accounted for by state air quality planners. The obvious imp lications of the US EPA study for public health protection deserve a fuller consideration than currently provided by the January 5, 2018 comment deadline.[349]

EPA summarily rejected these two well-founded requests in essentially identical letters that emphasized concern about making a timely decision before the January 1, 2018 provisions take effect.[350] But the only interests desiring the upheaval of the status quo provisions are those of the glider industry. In keeping with the inappropriate bias that has colored this process,[351] EPA did not acknowledge the numerous other important stakeholder interests at risk due to the agency's unduly rushed process.

This rush is particularly notable when compared with the multiple opportunities for input on glider industry issues provided for as part of the development of the Phase 2 Standards. EPA and NHTSA's Phase 2 proposed rule was published on July 13, 2015, with comments due on September 11, 2015;[352] EPA and NHTSA subsequently extended the comment period to October 1, 2015.[353] EPA offered an additional opportunity to comment on glider vehicle-related issues when it published a Notice of Data Availability on March 2, 2016, with comments due on April 1, 2016.[354] As discussed below in Section XI(b), as part of the Phase 2 Rulemaking EPA

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[348] American Lung Association, Request for Extension, *available at* https://www.epa.gov/sites/production/files/2017-12/documents/ala-glider-nprm-extension-request-2017-12-20_0.pdf.

[349] Northeast States for Coordinated Air Use Management, Request for Extension, *available at* https://www.epa.gov/sites/production/files/2017-12/documents/nescaum-glider-nprm-extension-request-2017-12-14.pdf

[350] See, e.g., Letter from EPA to American Lung Association Denying Request to Extend Comment Deadline, *available at* https://www.epa.gov/sites/production/files/2017-12/documents/ala-glider-response-letter-2017-12-21.pdf.

[351] See Section XI.

[352] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 Proposed Rule, 80 Fed. Reg. 40,138 (July 13, 2015).

[353] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2; Extension of the Comment Period, available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-0921.

[354] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2—Notice of Data Availability, 81 Fed. Reg. 10,822 (Mar. 2, 2016).

convened a small business panel and published a proposed and final regulatory flexibility analysis, all with specific portions focused on considering and soliciting input on glider industry issues.

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The circumstances under which EPA issued the Proposed Rule strongly suggest a decision that was made on considerations other than the legal and factual merits. First, although multiple parties sought review of the 2016 Phase 2 Standards in the U.S. Court of Appeals for the D.C. Circuit, no party raised claims against the glider provisions before the court. Not one glider vehicle manufacturer petitioned for review of the rule – nor did any other party challenge EPA's authority to regulate glider vehicles in court. Furthermore, as EPA noted in the Phase 2 rulemaking, even as raised in the public comments in the Phase 2 rulemaking, the argument that EPA lacked authority to regulate glider vehicles "appears to be untimely" because the Phase 1 rule had included an interim exemption for gliders which rested on the position that gliders were subject to regulation under Section 202.[355] EPA thus is attempting to revisit a decision that was settled twice over, based upon an impermissible statutory interpretation that the glider industry had not deemed sufficiently strong to present to the court.

EPA's decision to revisit its decision in both the Phase 1 and Phase 2 rulemakings that gliders are "new motor vehicles" under Title 22 of the CAA came only after a non-docketed May meeting between EPA Administrator Pruitt and representatives of glider company Fitzgerald Glider Kits at EPA headquarters.[356] That meeting was followed two months later by a petition for reconsideration filed by Fitzgerald and others on July 10, 2017, long after the time for judicial review had run, and months after litigation had commenced.

The May 2017 private meeting appears to have played a major role in the agency's decision to reinitiate rulemaking, yet no information about the meeting is listed in the docket. EPA should address the role of the May meeting with Fitzgerald in its rulemaking. The facts and circumstances surrounding that meeting and any commitments made by EPA should be publicly docketed.[357]

Nor is the May 2017 meeting the only aspect of the procedures leading to the proposal that raise serious concerns about the integrity of the rulemaking process. Without detailing its substance or vouching for its accuracy, EPA in its proposed repeal cited to an industry-sponsored study performed by Tennessee Technological University at Fitzgerald's facility using Fitzgerald

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[355] See 81 Fed. Reg. at 73,513.

[356] See, e.g., Steve Mufson and Juliet Eilperin, EPA chief Pruitt met with many corporate execs. Then he made decisions in their favor. Washington Post (Sept. 23, 2017), https://www.washingtonpost.com/news/energy-environment/wp/2017/09/22/epa-chief-pruitt-met-with-many-corporate-execs-shortly-before-making-decisions-in-their-favor/?utm_term=.77cbee5cf92f; see also EPA, Calendar for Scott Pruitt, Administrator, available at https://www.epa.gov/senior-leaders-calendars/calendar-scott-pruitt-administrator.

[357] *See* CAA section 307(d)(3) ("[a]ll data [and] information … on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule").

equipment.[358] Based upon what is known, those tests departed egregiously from proper testing protocols, and simply do not support the conclusion.[359] see pp. --, Infra. But EPA has also failed to release basic information about the test, even though EPA invoked it in the proposal as ostensibly having called into question EPA's extensive prior finding that harmful emissions from glider vehicles, including emissions of NOx and PM, are extremely high, and many times the rate of emissions from new trucks meeting current emissions standards. This failure to produce all information concerning the Tennessee Tech study and EPA's analyses of it is unlawful,[360] and precludes the public from having a full and fair opportunity to comment on the proposed repeal.[361]

At the same time, EPA's NVFEL laboratory itself has tested two of Fitzgerald's glider vehicles.[362] The test results indicate that EPA's initial estimates of emissions — that emissions of glider vehicles would 20-40 times greater than freight trucks with new engines — in fact underestimated glider emissions. Based on the testing, measured PM emissions were as much as 450 times higher than those of current engines.[363] . Yet EPA issued the proposal invoking the dubious Tennessee Tech results, without awaiting the results of its own renewed testing.

The unusual circumstances of this rulemaking show the extreme irregularity of EPA's process. The belated disinterment of an issue that no party even sought to raise in the D.C. Circuit challenges to the Phase 2 Standards; the non-docketed meeting between the Administrator and a private company that is the Proposed Rule's principal beneficiary, followed months later by an extremely late "reconsideration" request; EPA's invocation in the proposal of a facially dubious, methodologically opaque, industry-funded study to propose repeal even before awaiting the results of EPA's own emissions tests; and the agency's failure even to consider the impact of the decision for public health or the integrity of the entire program for heavy-duty vehicles, all strongly suggest that this is not a decision being made on the merits. The basic irrationality of the proposed action – rolling back settled (and judicially unchallenged) regulations which rest upon EPA's clear statutory authority, addressing vehicles that present almost unequalled hazards to human health among all mobile sources, further suggests that this decision is not based upon the statutory and evidentiary merits. These circumstances instead paint a picture of an agency rewarding a particular private interest after successful lobbying of the Administrator in a private meeting.[364] That is not a valid basis for administrative action. Nor is Administrator Pruitt's

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[358] 82 Fed. Reg. 53,444.

[359] See Section 1(f)

[360] See 42 U.S.C. 7607(d)(3) provides that the statement of basis and purpose for a proposed rule "shall include" among other things "( ) the factual data on which the proposed rule is based," and "( ) the methodology used in obtaining the data and in analyzing the data" and requires that "All data, information, and documents referred to in this paragraph on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule."

[361] See Section VII.

[362] See Section XX.

[363] See EPA testing memo (operations under transient conditions).

[364] See, e.g., *Natural Res. Def. Council, Inc. v. Sec. Exch. Comm'n.,* 606 F.2d 1031, 1049 n. 23 (D.C.Cir.1979) (noting that "presumption of agency regularity ... is rebutted," when "the agency has demonstrated undue bias towards particular private interests") (citing *Central Florida Enterprises, Inc. v. FCC*, 598 F.2d 37 (1978)).

interest in reversing policies of the prior administration, standing alone, a valid rationale for creating a major public health risk from unlimited glider vehicle pollution.[365]

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The proposal requests comments on purported GHG and recycling benefits from glider vehicles—backhandedly suggesting that glider vehicles have GHG benefits as compared to new, modern vehicles because of greater fuel efficiency.[366] First, any claimed benefits are minor in scale to the enormous public health consequences of this proposal, which properly should be the main focus in this rulemaking. Moreover, these claimed benefits are not supported by any record evidence—and in many cases are clearly contradicted by the record.

First of all, the primary issue here is criteria pollutant emissions. The record demonstrates that criteria pollution emissions from glider vehicles are many multiple times higher than freight trucks with modern controls.[367] Assertions that glider vehicles have GHG or recycling benefits have only been made generally in the record; no claim has been made, let alone with substantiation, that these alleged benefits would counterbalance the health harms from glider vehicles' criteria emissions.[368]

EPA's most recent memo into the record appropriately rejects these asserted benefits. EPA's economic analysis for this proposal notes that "EPA has not verified these claims" with respect to fuel efficiency of uncontrolled gliders.[369] The agency further noted that, if the proposal is finalized, glider manufacturers will no longer need to incorporate Phase 2 fuel saving technologies, such that any alleged fuel efficiency benefit would be offset.[370] The agency concluded that "[t]o the extent glider engines may have a fuel efficiency advantage over current newly manufactured engines, any such advantage for glider vehicles is likely to decrease in the future."[371]

EPA also properly rejected these assertions in the 2016 Phase 2 rulemaking: EPA concluded that glider vehicles are likely less fuel efficient as compared to trucks with engines meeting the Phase 1 MY 2017 engine standard,[372] and freight trucks, which will meet the Phase 2 Standards in 2021, will necessarily provide even greater fuel efficiency advantages.[373] More recently, EPA's new test results found that the two glider vehicles had marginally lower CO_2 emissions as

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[365] See *N.C. Growers, Inc. v. United Farm Workers*, 702 F.3d 755, xxx (4th Cir. 2012) (Wilkinson, J., concurring) ("Changes in course … cannot be solely a matter of political winds and currents. … Otherwise, government becomes a matter of whim and caprice of the bureaucracy, and regulated entities will have no assurances that business planning on today's rules will not be arbitrarily upset tomorrow.").
[366] 82 Fed. Reg. 53,444, referring to the petition for reconsideration
[367] See Section I.
[368] See, e.g., HDP2 Response to Comments pg. 1843.
[369] U.S. Environmental Protection Agency, Memorandum: Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, Nov. 16, 2017, pg. 2, EPA-HQ-OAR-2014-0827-2407.
[370] Id.
[371] Id. at 3.
[372] HDP2 Response to Comments pg. 1878-79, 1885.
[373] HDP2 Response to Comments pp. 1878-79.

compared to the tested new 2014 and 2015 vehicles.[374] To the extent that glider vehicles currently offer any fuel efficiency or GHG benefits, these benefits will erode and disappear because gliders, under this proposal, would not be mandated to achieve the current and upcoming GHG improvements under the Phase 1 and 2 Standards. MY 2017 and later wholly new vehicles will continue to be more efficient thanks to EPA's Phase 1 and 2 Standards. These GHG standards will lead to significant per-vehicle fuel savings and GHG reductions. The Phase 2 Standards for tractors are projected to reduce fuel consumption and GHG emissions by 13% in MY2021, 20% in MY2024, and 25% in MY 2027 compared to 2017 tractors, with corresponding, incremental increases in intervening years.[375]
Finally, any alleged GHG benefit is also outweighed by the concern EPA noted in its 2016 Final Rule, that glider vehicles would not have important emission controls for hydrofluorocarbons, a highly potent category of greenhouse gases—specifically, gliders would not comply with air conditioning leakage controls included in the Phase 1 rules.[376]

The proposal also includes assertions that glider vehicles are more fuel-efficient than the old trucks they are replacing because they have improved aerodynamics and low rolling resistance tires. Again, the ability to make glider vehicles with these efficiency improvements is not impacted by the current provisions. The phase 2 final rule simply requires that the engines installed in these more efficient glider vehicles be held to modern emissions standards to protect public health and the environment. And as discussed above, glider vehicles are purchased as an alternative to new, compliant freight trucks, not as alternative to purchasing old vehicles that have already reached the end of their useful life.[377]

In sum, in its new proposal, EPA provides no meaningful consideration, evidence, or analysis to justify setting aside its 2016 findings or its new testing, all of which firmly rebuts any meaningful GHG benefits from glider vehicles.

Arguments related to the recycling benefits of gliders are similarly unsubstantiated and unconvincing. EPA noted in its 2016 rulemaking that commenters "did not provide an analysis for EPA to evaluate" to substantiate general claims that remanufacturing required less energy as compared to new freight truck manufacturing[378]; in its new proposal, EPA now includes a similarly unsubstantiated claim that glider vehicles reuse approximately 4,000 pounds of cast steel, which may avoid NOx emissions.[379] Neither the agency nor the petition for reconsideration

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[374] EPA, "Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles," (November 20, 2017). *See:* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417
[375] 81 Fed. Reg. at 73,482. The Phase 1 program when fully implemented by 2017, will result in approximately a 15-32% improvement in fuel consumption for Class 7 and 8 combination tractors compared to a 2010 tractor. 81 Fed. Reg. at 73,503-04. In addition, the Phase 2 standards will provide an improvement in fuel efficiency of 19% - 24% relative to a 2017 tractor, yielding a total combined improvement of 34 to 57 percent relative to a 2010 tractor. *Id.* As manufacturers continue to meet the Phase 1 and 2 standards, covered freight trucks will continue to gain improvements in aerodynamics, low rolling resistant tires, weight reduction, improved transmissions, improved air handling, and other improvements. Greenhouse Gas Emission Standards and Fuel Efficiency for Medium- and Heavy-Duty Engines and Vehicles, 78 Fed. Reg. at 57201-57221 (September 15, 2011).
[376] HDP2 Response to Comments pg. 1877.
[377] See Section XX.
[378] HDP2 Response to Comments, pg. 1877.
[379] 82 Fed. Reg. 53,444.

provides documentation or quantification of the alleged NOx emissions avoided or any other pollution benefit—let alone any documentation that the emissions avoided would match the enormous scale of NOx pollution that would certainly be emitted by continued unlimited sale of uncontrolled glider vehicles. Nor do they grapple with important context indicating that if engines were not reused in gliders, they would be recycled.: steel is already the most recycled material in the U.S.[380]; steel recycling rates as of 2012 stood at 88% overall, with a 92.5% recycling rate for automobiles.[381] The unsubstantiated claim regarding gliders' recycling benefits is not a valid reason to also allow these vehicles to pollute indiscriminately.

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The Proposed Rule will create a market distortion in the freight truck industry, establishing a pollution loophole at the expense of public health in communities across the country as well as truck manufacturers and dealers that have responsibly invested in selling trucks equipped with modern pollution controls.

The Phase 2 Standards do not unfairly burden the glider industry; in that rulemaking, EPA analyzed and considered the effect the gliders provision would have on small glider-producing businesses.[382] In contrast, EPA performed no such small business analysis with respect to the impact of this Proposed Rule, and accordingly failed to consider its negative potential impacts for small businesses that have invested in pollution-controlled freight truck sales and maintenance.

There is no substantiation in the record demonstrating that sales of new glider vehicles and wholly new trucks will decrease overall if the Phase 2 glider provisions go into effect; even if there was, the benefits of the Phase 2 glider provisions dramatically outweigh any costs, and the program carefully considered and accommodated small business concerns.

Administrator Pruitt has stated repeatedly that EPA should not be in the position of picking winners and losers in regulating pollution.[383] This proposal would do just that: allowing the unrestricted use of highly polluting diesel engines to benefit a chosen few glider producers, at the expense of Americans' health and safety, and at the further expense of the heavy-duty truck and engine industry, supply chain, and employees.

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[380] Institute of Scrap Recycling Industries, The Scrap Recycling Industry: Iron and Steel, 2016 (accessed Dec. 30, 2017), http://www.isri.org/docs/default-source/recycling-industry/fact-sheet---iron-and-steel.pdf.
[381] SteelWorks, Steel is the World's Most Recycled Material, 2017 (accessed Dec. 30, 2017), http://www.steel.org/sustainability/steel-recycling.aspx.
[382] *See* HDP2 Rule, 81 Fed. Reg. at 73,941-42.
[383] See e.g. Energywire: Friday, April 21, 2017 (recounting Administrator Pruitt's speech at Thomas Hill Missouri facility). *See e.g.*, Tom DiChristopher, *New EPA chief plans 'humble' approach to regulating CO2 emissions*, CNBC (Mar. 28, 2017), https://www.cnbc.com/2017/03/28/epa-chief-scott-pruitt-signals-less-aggressive-response-to-emissions.html ("Pruitt said the EPA would not issue rules that pick winners and losers."); Jeffrey Tomich, *Pruitt says Trump's EPA won't pick 'winners and losers,'* E&E NEWS (Apr. 21, 2017), https://www.eenews.net/stories/1060053390; Daniella Diaz, *Pruitt announces withdrawal of Clean Power Plan*, CNN (Oct. 10, 2017), http://www.cnn.com/2017/10/09/politics/environmental-protection-agency-scott-pruitt-clean-power-plan/index.html.

a. The proposal will disadvantage mainstream truck dealers and manufacturers that are installing pollution controls, creating a competitive advantage for glider manufacturers based upon their ability to impose the costs of their vehicles' operations on the public.

This Proposed Rule would unfairly advantage the glider industry by exempting them from Clean Air Act safeguards that have enormous benefits for public health. The glider industry would reap all the upside, while communities across the country would bear the burden of substantially increased pollution.

Glider vehicles compete with new trucks. EPA's economic assessment for this Proposed Rule concluded that "EPA agrees that either strengthening or weakening the requirements for glider vehicles could potentially impact the competitive balance in the heavy-duty truck market, both advantaging and disadvantaging small businesses."[384] As discussed in greater detail in section 1(h), the notion that the alternative to glider vehicles is an old freight truck is misplaced. Furthermore, any alleged price advantage for gliders would be a classic externality: the cost of pollution control is externalized to those exposed to glider vehicle pollution. This type of externalizing of vehicular pollution costs is precisely what Title 2 of the Act is designed to end.[385] This externality—this loophole—creates a windfall for the glider industry that Americans all pay for by undermining the tremendous progress that has been achieved in addressing freight truck pollution.

Moreover, because glider sales compete against sales of fully compliant new trucks, the result would be a zero-sum impact on the overall freight truck industry, with increased sales and jobs in the glider industry coming at the expense of businesses all along the value chain of the industry that have responsibly invested in pollution control.[386] EPA acknowledged as much in the economic analysis that the agency included in the record as part of this rulemaking.[387] The record indicates that new and used truck dealers and truck parts sellers are losing business to glider sellers and if EPA adopts the proposal, it could drive those dealers to enter the glider market just to remain competitive.[388] This, in turn, would result in even more drastic increases in air

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[384] U.S. Environmental Protection Agency, Memorandum: Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, at 2, EPA-HQ-OAR-2014-0827-2407 (Nov. 16, 2017).

[385] *See supra* Section XX.

[386] Indeed, evidence of the jobs at risk from the Proposed Rule suggest that, if anything, the Proposed Rule would result in net job *losses*; EPA has arbitrarily failed to consider this possibility. See Section XI(a)(iii).

[387] U.S. Environmental Protection Agency, Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, (Nov. 16, 2017,), EPA-HQ-OAR-2014-0827 -2407 ("EPA agrees that either strengthening or weakening the requirements for glider vehicles could potentially impact the competitive balance in the heavy-duty truck market, both advantaging and disadvantaging certain small businesses."), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2407.

[388] Testimony of John Calvin Doub, TMI Truck & Equipment, at EPA Hearing (Dec. 4, 2017) (explaining that the profit margin is so big on gliders, if you change the rule, you can expect to see other industry players jumping in), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285. See also Testimony of Ken Davis, Bruckner Truck Sales, EPA-HQ-OAR-2014-0827-4327 (Nov. 5, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4327 ("I have lost sales to glider vehicles and

pollution, resulting in further increases in the negative health effects described in Part I of this comment, and seriously undermining Clean Air Act emissions standards for all heavy-duty vehicles.

K The glider industry has dramatically expanded due to a pollution loophole.

Dramatic growth in glider vehicle production occurred due to a loophole in pollution safeguards, which glider manufacturers have taken advantage of to sell vehicles not in compliance with current pollution safeguards.[389] The failure to meet modern pollution standards is advertised as an advantage for these freight trucks. One glider company's website advertises several advantages of a glider vehicle "compared to a factory truck," as including "[n]o DEF or EGR.".[390] Another advertises that its glider vehicles contain "EPA 98-04 engines only," meaning that the engines lack the most current pollution control technology.[391] A trade press article describes some of the advantages of a glider vehicle as follows:

> The tractor's Detroit Reliabilt Series 60 diesel doesn't have exhaust-gas recirculation, because the engine must meet EPA emissions limits for the period it was originally built, 1998-2002, not the '02/'04 regulations where EGR began. And its exhaust system doesn't need a bulky diesel particulate filter or the diesel exhaust fluid required with selective catalytic reduction, which debuted in 2007 and 2010, respectively.[392]

Any claims that uncontrolled glider vehicles provide lower maintenance costs are speculative and not substantiated in the record. EPA noted in its economic analysis of the Proposed Rule that "EPA has not verified these claims" and further that "to the extent engine manufacturers will

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it negatively impacts my business. As an example in the Tulsa area, we have a fleet running nationwide that is currently operating eight glider kit trucks with engines that don't meet current emissions standards. Our new trucks were considered for purchase by company ownership but we ultimately lost the sales due to the above referenced negative factors."); Testimony of Justin Keck, Grande Truck Center, EPA-HQ-OAR-2014-0827-4384 (Jan. 2, 2018), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4384 (Citing a customer who had purchased 40 trucks over the past 5 years but plans to switch to buying gliders as long as EPA regulations allow it); Testimony of Matthew E. Niebauer, Legacy Truck Cente rs, Inc., EPA-HQ-OAR-2014-0827-4378 (Jan. 2, 2018), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4378 ("We have numerous customers that had previously purchased new trucks from us but have switched to buying 'Glider kits' in recent years for the sole purpose of avoiding current emissions technology.).

[389] *See* Int'l Council on Clean Transportation, Comment on HDP2 Proposed Rule at 13 (Oct. 1, 2015), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1180.; FLEETOWNER, *Schneider offers glider kit trucks for sale* (Oct. 29, 2015), http://www.fleetowner.com/equipment/schneider-offers-glider-kit-trucks-sale.

[390] Fitzgerald Glider Kits, *What is a Glider Kit?*, https://www.fitzgeraldgliderkits.com/what-is-a-glider-kit (last accessed Jan. 3, 2018). DEF is diesel exhaust fluid, which is used in control technology that removes harmful NOx emissions from diesel engines and is required by 2010 emissions standards; and exhaust gas recirculation ("EGR") is another NOx reduction technology. *See* Discover DEF, *What is DEF?*, http://www.discoverdef.com/def-overview (last accessed Jan. 3, 2018).

[391] Harrison Truck Centers, Glider Kits, http://www.htctrucks.com/index.php/sales/harrison-truck-centers-glider-kits (last accessed Jan. 3, 2018).

[392] Tom Berg, *Test Drive: Clarke-APG Dual-Fuel Glider*, Truckinginfo (Apr. 2014), http://www.truckinginfo.com/article/story/2014/05/test-drive-clarke-apg-dual-fuel-glider.aspx.

continue to improve the reliability…of their engines, as might be expected, any operating cost advantage for glider vehicles would likely decrease in the future."[393]

Separately, the record indicates that glider vehicle buyers in some cases avoid a 12% federal excise tax, which is used to fund the maintenance of our national highway system.[394]

K Expanding sales of glider vehicles heightens the public health threat posed by this proposal.

Record evidence supports the conclusion that glider sales are eating into sales of fully compliant freight trucks that meet modern pollution standards—indicating that even more serious pollution burdens could stem from finalizing this proposal. One freight truck dealership group—consisting of seven locations across five states—estimates that it loses approximately 25% of annual new truck retail sales volume to glider kits.[395] Another truck dealer, testifying at the December 4, 2017 EPA hearing on this proposal, expressed concern that an unintended consequence of this rule could be a major increase in the gliders market share compared to fully compliant new and used trucks.[396] He estimated that gliders could grow to occupy 30% of the freight truck market.[397] This, of course, would mean that 30% of freight trucks on our roads and highways would be able to emit unlimited amounts of pollution, and would in fact emit far in excess of modern pollution control standards.

Robert Nuss of Nuss Truck and Equipment, a truck and equipment dealership that sells freight trucks equipped with modern pollution controls from eight locations in Minnesota and Wisconsin, summarized the problem as follows:

> We have lost new truck sales to glider kits and it negatively impacts our business. We have quoted new trucks to small fleets in our markets that have elected to purchase glider kits to avoid emissions standards. They are not furnishing the components from their own worn out or wrecked trucks, they are just avoiding emissions. We know that these trucks owners are within their right to purchase

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[393] U.S. Environmental Protection Agency, Memorandum: Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits at 2 (Nov. 16, 2017), EPA-HQ-OAR-2014-0827-2407, https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2407.

[394] Allstate Peterbilt Group, *Why are commercial truck glider kits popular?* (June 29, 2017), http://www.allstatepeterbilt.com/blog/why-are-commercial-truck-glider-kits-popular; *see* Testimony of Michael McMahon, McMahon Truck Centers, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2464 (explaining that "[t]he topic of FET [federal excise tax] on Glider Kits is murky at best. . . . As Glider Kits replace New Truck sales, that's all the less income going toward the repair of our aging US highway infrastructure.").

[395] Testimony of Michael McMahon, McMahon Truck Centers, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2464.

[396] Testimony of John Calvin Doub, TMI Truck & Equipment, at EPA Hearing (Dec. 4, 2017).), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285.

[397] *Id.*

> glider kits today, but we just want to level the playing field so that we can fairly compete.[398]

Glider vehicle sales have already been stretched beyond their original engine salvage intent, and with this proposal they have the potential to increasingly overtake the market—further exacerbating harmful pollution impacts, at the expense of public health and freight truck industry members that are complying with modern pollution control standards.

KThe Proposed Rule puts jobs and economic activity at risk.

EPA does not point to any record evidence indicating that the advantages for the glider industry lead to an overall increase in economic activity; instead, ample record evidence suggests that this loophole for glider vehicles comes at the expense of jobs and sales related to fully compliant freight trucks.

The record suggests that sales of glider vehicles have harmed job growth in sales and maintenance of modern, fully compliant freight trucks. New trucks contain more advanced technology than glider trucks—including, of course, pollution control technology, superior fuel efficiency technology, as well as advanced safety features—which support well-paying jobs in freight truck maintenance and repair.[399] Those jobs need highly skilled, highly trained workers, helping provide stability for American families through good and bad economic conditions.[400] To the extent that glider assemblers increase their hiring, the record indicates they are taking jobs away from manufacturers and dealers of fully compliant new trucks.[401]

In addition to the jobs affected directly through truck sales and manufacturing, the emission control technologies that keep our air clean also create domestic jobs, which are negatively affected by the burgeoning, minimal-technology glider vehicle market. The mobile source emission control industry as a whole is a major industry, responsible for nearly 300,000 jobs across North America, including jobs in nearly every state in the U.S.[402]

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[398] Comment of Robert Nuss, Nuss Truck & Equipment, on EPA Proposed Rule Repeal of Emissions Requirements for Glider Vehicles (Oct. 14, 2017), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2388.
[399] *See* Testimony of John Calvin Doub, TMI Truck & Equipment, at EPA Hearing (Dec. 4, 2017) (explaining that new truck technicians are being hurt by the glider business, because "glider kits are so behind the times that it is cheap and easy to fix them"), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4285; Comment of Robert Nuss, Nuss Truck & Equipment, on EPA Proposed Rule Repeal of Emissions Requirements for Glider Vehicles (Oct. 14, 2017), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2388.
[400] Testimony of Michael McMahon, McMahon Truck Centers, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2464 ("Highly skilled, highly trained positions like these are good in both good and bad economies. In an upturn, these techs would command higher wages. In a downturn, their high level of training may translate across industries, if needed.").
[401] *See* Comment of Robert Nuss, Nuss Truck & Equipment, on EPA Proposed Rule Repeal of Emissions Requirements for Glider Vehicles (Oct. 14, 2017), https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2388; see also HDP2 Rule RTC p. 1883 where EPA found that "jobs in the glider industry come at the expense of other jobs in the heavy duty industry."
[402] Comment of Manufacturers of Emission Controls Association, on EPA Proposed Rule Repeal of Emissions Requirements for Glider Vehicles (Sept. 5, 2017), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2374.

The proposed rule at issue here is also problematic for truck and engine manufacturers and fleets because it creates instability and uncertainty. Industry leaders are concerned that repealing the 2016 glider provision and reopening the loophole "could lead to an inconsistent patchwork of federal and state requirements."[403] Such instability makes it challenging for companies in the truck industry to make investment decisions.

Claims that overall negative economic impacts will occur if the Phase 2 gliders provision go into effect are unsubstantiated. The minimal economic assessment that EPA submitted into the record reached no conclusion on this topic, noting only that "EPA agrees that either strengthening or weakening the requirements for glider vehicles could potentially impact the competitive balance in the heavy-duty truck market, both advantaging and disadvantaging certain small businesses."[404]

All of these problems are unaddressed in the proposal. This is legal error for failure to consider issues of direct relevance, as discussed in Section VII above.

K. The freight truck industry predominately supports the Phase 2 Standards and has expressed concerns about this Proposed Rule.

During the public comment period leading up to the 2016 Phase 2 Standards, a broad range of freight truck industry stakeholders clearly expressed to EPA that they supported the gliders provisions. A compilation of their comments into the record is available in Appendix A. For example, GATR Truck Center, a truck dealership located in Iowa and Minnesota, stated: "The market availability of these noncompliant engines and vehicles poses an unfair competitive disadvantage to manufacturers that have undertaken the enormous effort and investment necessary to comply with all applicable emissions, fuel efficiency, and safety standards, and likewise an unfair competitive advantage to the dealer network representing those OEM's."[405] Nuss Truck and Equipment similarly noted that, "The original intent of selling gilder kits has moved from a rebuilding mechanism to now mainly evading diesel emissions EPA mandates."[406] Navistar, a truck manufacturer, expressed its support for the gliders provision of the rule, and even suggested that "the allowance is too high, and that gliders should either be limited to 200 per year or eliminated completely."[407] The freight truck industry engaged with EPA throughout

[403] Testimony of Pat Quinn, Heavy Duty Leadership Group, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2468.
[404] U.S. Environmental Protection Agency, Memorandum: Assessment of Economic Factors Associated with the Proposed Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits at 2 (Nov. 16, 2017), EPA-HQ-OAR-2014-0827-2407.
[405] HDP2 Response to Comments at 1888; GATR Truck Center, Comment on HDP2 Proposed Rule (Sept. 8, 2015), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1010.
[406] Nuss Truck & Equipment, Comment on HDP2 Proposed Rule, (Aug. 31, 2015), available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-0922.
[407] HDP2 Response to Comments at 1897; Navistar, Inc., Comment on HDP2 Proposed Rule (Oct. 1, 2015), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1218.

the rulemaking and was ultimately supportive of the 2016 Phase 2 Standards, including the gliders provisions.[408]

Meanwhile, many key leaders in the freight truck industry have already expressed concerns about the Proposed Rule. The American Trucking Association, Engine Manufacturers Association, Manufacturers of Emission Controls Association, Heavy Duty Fuel Efficiency Leadership Group (a consortium of the largest fleet owners), and Volvo all expressed concerns in their December 4, 2017 Public Hearing statements.[409]

b. EPA carefully considered the impact to the glider industry and small businesses in the Phase 2 Standards.

In the 2016 Phase 2 Standards, EPA carefully analyzed how the glider industry and small businesses would be affected by a rule requiring glider vehicles to meet the same pollution standards as all other Class 8 freight trucks: it assessed the history of the glider industry; convened a Small Business Advocacy Review Panel;[410] prepared a proposed and final regulatory flexibility analysis;[411] received extensive public input; and responded with modifications to the final rule to take into account the concerns of small businesses and the glider industry, while appropriately weighing the need to protect public health.[412] Under the 2016 Final Phase 2 Standards, glider vehicles must contain engines meeting the same pollution standards Congress mandated for all other heavy duty diesel engines — standards reflecting "the greatest degree of emission reduction achievable" through the application of available, cost-effective technology—

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[408] *See, e.g.*, Testimony of Pat Quinn, Heavy Duty Leadership Group, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2468, ("The Leadership Group's members worked very closely with EPA in the development of the Phase 2 Rule, providing technical input which we believe helped to craft a sound rule which the Group strongly endorsed in its final form."); *see also* Appendix A (listing supportive comments specific to the gliders provisions); Environmental Defense Fund, Broad Support Across America: Phase II Greenhouse Gas and Fuel Economy Standards for Freight Trucks and Buses (listing supportive comments related to the Phase 2 standards in general) (last accessed Dec. 30, 2017), available at https://www.edf.org/sites/default/files/content/positive_quotes_on_final_hd_phase_2_rulemaking_10.24.16_final.pdf.

[409] Testimony of Kedzie Glen, American Trucking Association, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4292; Testimony of Jed Mandel, Truck and Engine Manufacturers Association, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4299; Testimony of Michael Geller, Manufacturers of Emission Controls Association, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4288; Testimony of Pat Quinn, Heavy-Duty Fuel Efficiency Leadership Group, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4310; Testimony of Susan Alt, Volvo Group North America, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4273.

[410] HDP2 Rule, 81 Fed. Reg. at 73,962.

[411] HDP2 Rule, 81 Fed. Reg. at 73,962; HDP2 Rule Regulatory Impact Analysis, Chapter 12, EPA-HQ-OAR-2014-0827.

[412] HDP2 Rule, 81 Fed. Reg. at 73,941-42.

with certain limited exceptions and flexibilities.[413] The agency's thorough process carefully considered and included provisions in the Phase 2 Standards that were responsive to concerns raised.

Historically, the glider vehicle industry existed primarily to reclaim powertrains from wrecked truck bodies. But the industry expanded rapidly after new pollution standards were phased in[414] as a method to avoid compliance with the health-protective standards.[415] In the early 2000s, just a few hundred glider vehicles were produced annually, but EPA estimates that production surged to over 10,000 per year by 2016.[416] As glider production has scaled up, glider vehicles for the most part are no longer made from powertrains salvaged from wrecked trucks, but rather are mass-produced with donor components from any possible source.[417] EPA distinguished between these two eras of gliders in the final 2016 rule, explaining that the glider provisions sought a "transition to a long-term program in which manufacture of glider vehicles better reflects the original reason manufacturers began to offer these vehicles—to allow the reuse of relatively new powertrains from damaged vehicles."[418]

The Phase 2 Standards built in a number of flexibilities for glider vehicle manufacturers, with a particular focus on accommodating small businesses. For the year 2017, the rule allowed small businesses to produce glider vehicles up to a production limit, set at "the manufacturer's highest annual production of glider kits and glider vehicles for any year from 2010 to 2014."[419] The long-term program begins on January 1, 2018, and contains multiple "transitional flexibilities." Small businesses may produce up to 300 glider vehicles—or are capped at their highest annual production from 2010 to 2014, if that amount is less than 300—that are not in compliance with the engine and vehicle standards.[420] Model year 2010 and later engines installed in glider vehicles do not have to satisfy the Phase 1 GHG engine standards.[421] Finally, as mentioned previously, rebuilt engines may be installed without meeting the standards for the year of glider vehicle assembly if the engines are "within their regulatory useful life."[422] These modifications and flexibilities were responsive to and reflected the input the agency received through its small business panel and regulatory flexibility analysis.

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[413] CAA § 202(a)(3)(A).
[414] *See* HDP2 Rule, 81 Fed. Reg. at 73,941-43.
[415] Tom Berg, *The Return of the Glider*, TRUCKINGINFO, Apr. 2013, http://www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx ("Growth in gliders in recent years was due to the FET avoidance, poor fuel economy with EPA 2007-spec engines, and then the high cost of EPA 2010 emissions requirements, Hames says.").
[416] HDP2 Rule, 81 Fed. Reg. at 73,943.
[417] *See* Testimony of Susan Alt, Volvo, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2462; Jim Park, *Is There A Glider Kit in Your Future?*, TRUCKINGINFO (July 2011), http://www.truckinginfo.com/channel/equipment/article/story/2011/07/is-there-a-glider-kit-in-your-future.aspx (explaining that two out of three major powertrain components must come from the same donor truck, which means glider manufacturers can just substitute parts, such as a rebuilt engine, from another truck).
[418] HDP2 Rule, 81 Fed. Reg. at 73,941.
[419] HDP2 Rule, 81 Fed. Reg. at 73,941-42.
[420] HDP2 Rule, 81 Fed. Reg. at 73,942.
[421] HDP2 Rule, 81 Fed. Reg. at 73,942.
[422] HDP2 Rule, 81 Fed. Reg. at 73,942.

Accordingly, the premise of the Proposed Rule is misplaced because the standards and production cap in the gliders provision of the Phase 2 Standards do not unduly burden the glider industry, particularly when compared to the disproportionate public health threat posed by uncontrolled glider vehicle emissions. Tommy Fitzgerald, Jr. of Fitzgerald Glider Kits, the largest glider vehicle producer in the country, has stated that his company is "set up to make a profit at 300 [glider vehicles] a year."[423] As EPA explained: "It is important to emphasize that EPA is not banning gliders. Rather, as described below, EPA is requiring that glider vehicles meet the standards that all other new trucks are required to meet, unless eligible for certain limited exemptions that provide flexibility for small businesses and for certain other specific applications."[424] The 2016 rule restores glider production standards and volume to levels "consistent with the original purpose of glider kits and vehicles."[425]

Moreover, as EPA noted in the Phase 2 Standards, many truck dealers and manufacturers submitted comments to the agency to state their support for the glider provisions.[426]

Meanwhile, EPA performed no small business regulatory flexibility analysis and convened no small business panel with respect to the impact of this Proposed Rule, another absence that renders this rulemaking arbitrary and capricious.[427] In fact, its proposal did not include any discussion or consideration related to this rulemaking's negative potential impacts for small businesses like freight truck dealerships that have properly invested in emission-controlling freight truck sales and maintenance.[428]

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As discussed in detail above, the use of each glider vehicle with a noncompliant, uncontrolled engine threatens public health. Accordingly, EPA's request for comment on options to weaken the Phase 2 glider provisions is wrongheaded: the agency should reject any increase in the cap on sale of uncontrolled glider vehicles as well as any delay in implementation of these protections. As we describe below, neither option can be justified in light of EPA's duty to protect the public and the extensive record of health harms from uncontrolled glider vehicles.

Furthermore, EPA cannot move ahead with finalizing any such action without first issuing a new proposal that would lay out any reasoning and analysis used to justify any such action. EPA has a duty under the law to provide notice to the public and opportunity to comment on the reasoning

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[423] Tom Berg, *The Return of the Glider*, TRUCKINGINFO (AprilApr. 2013), http://www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx.
[424] HDP2 Rule, 81 Fed. Reg. at 73,942.
[425] HDP2 Rule, 81 Fed. Reg. at 73,942.
[426] *See* HDP2 Response to Comments at 1872, 1897, 1899 (summarizing comments of Cummins, Navistar, Nuss); *see also* Appendix A .(summarizing freight industry comments).
[427] 82 Fed. Reg. at 53,448.
[428] *See* Testimony of Robert Nuss, Nuss Truck & Equipment, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-4307; Testimony of Michael McMahon, McMahon Truck Centers, at EPA Hearing (Dec. 4, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2464.

and basis for a rulemaking.[429] EPA's current Proposed Rule mentions the options for weakening the glider provisions in four sparse sentences, without any justification, reasoning, or analysis to support either option.[430] EPA's Proposed Rule does not provide sufficient notice, such that any effort to finalize either action without a new proposal would be unlawful.

a. EPA Must Maintain the Current Compliance Date for Glider Vehicles

The glider vehicle provisions of the Phase 2 Standards include a transitional program for the 2017 calendar year and a long-term program that went into effect on January 1, 2018, with certain built-in transitional flexibilities to accommodate small businesses.[431]

EPA must maintain the January 1, 2018 compliance date for the long-term program. EPA concluded in the Phase 2 rulemaking that any delay in the compliance date could result in significant pre-buys of highly polluting glider vehicles, which would have detrimental consequences for public health.[432] A pre-buy occurs when market participants—here, fleets and independent drivers—purchase a significant volume of a product that will imminently be subject to a new regulation, shortly before that regulation is implemented.[433] EPA acted in the Phase 2 Standards to address this serious concern by requiring transitional compliance starting January 1, 2017, and full compliance starting January 1, 2018. This carefully considered decision is well supported by the record and should not be undone.

During the Phase 2 rulemaking, freight truck manufacturers emphasized their concern that a pre-buy would occur since EPA was looking to close the gliders loophole. Volvo Trucking North America stated during the notice and comment period that because "pre-buys are a known consequence of new regulatory requirements . . . EPA need not exacerbate them by providing a window for the unfettered manufacture of non-compliant vehicles."[434] The company further urged EPA to "adopt additional stringent measures to prevent the stockpiling of glider vehicles after new standards take effect."[435]

EPA addressed these concerns in the Phase 2 Standards by initially production of uncontrolled glider vehicles beginning on January 1, 2017, with longer-term limits becoming effective January 1, 2018. The agency stated "that by finalizing restrictions for 2018 in this rule we risk causing a pre-buy scenario where production surges further in 2017. This would be both very harmful to the environment and disruptive to the market. To avoid these problems . . . we are

[429] See Section VII(d).
[430] Proposed Rule, 82 Fed. Reg. at 53,447.
[431] HDP2 Rule, 81 Fed. Reg. at 73518.
[432] EPA RTC Section 14, Appendix A, pg. 1960-68.
[433] *See* Katherine Rittenhouse & Matthew Zaragoza-Watkins, "Anticipation and Environmental Regulation," MIT Center for Energy and Environmental Policy Research, Working Paper, CEEPR WP 2017-004 at 2 (February 2017), *available at* http://ceepr.mit.edu/files/papers/2017-004.pdf.
[434] HDP2 RTC at 1870-71.
[435] HDP2 RTC at 1870-71.

finalizing a glider kit and glider vehicle production limit for calendar year 2017 for glider vehicles using high polluting engines."[436]

Recognizing the need to avoid pre-buys of super-polluting glider vehicles, EPA took responsible action by moving up the compliance deadline, which benefits the industry as a whole.[437] There is no justification for the agency to back away from this decision now: the record shows that the public health consequences would be even more severe.

b. If Any Changes Are Made, EPA Should Lower the Glider Vehicle Production Limit

EPA should not increase the glider vehicle production cap for small businesses that was implemented in the Phase 2 Standards. That rule, which generally requires all glider vehicles to comply with the same pollution protections as other new heavy-duty vehicles, contains a provision allowing each glider manufacturer to produce a limited number of gliders—300 or their 2010-2014 highest annual production volume, whichever is smaller—without meeting engine or vehicle standards.[438] This cap was intended to help small businesses transition into full compliance with the new standards.

The production cap on uncontrolled glider vehicles is amply supported by the record, the product of a multi-faceted small business engagement effort, and not overly burdensome for gliders producers. EPA carefully analyzed how glider dealers would be affected by a rule limiting glider production: it assessed the history of the glider industry, received extensive public input, and responded with modifications to the final rule to ensure fairness to small businesses. The 2016 Phase 2 Standards set a cap on uncontrolled glider vehicle production in order to "transition to a long-term program in which manufacture of glider vehicles better reflects the original reason manufacturers began to offer these vehicles—to allow the reuse of relatively new powertrains from damaged vehicles."[439] Thus, the rule is targeted to limit exploitation of a loophole to avoid installing health-saving technology on new freight trucks.

An increase in the cap on production of uncontrolled glider vehicles would be deeply damaging for public health. In the Phase 2 Standards, EPA limited the number of glider vehicles that can be produced with the understanding that an enormous amount of pollution could be avoided by limiting "even a fraction of these glider vehicles."[440] EPA estimated in the Phase 2 Standards that glider vehicles "have NOx and PM emissions 20–40 times higher than current engines," resulting in "significantly higher in-use emissions of air pollutants associated with a host of adverse human health effects, including premature mortality."[441] The results of EPA's more

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[436] HDP2 Rule, 81 Fed. Reg. at 73942.
[437] *See* HDP2 RTC at 1881 ("[A] one-year delay that allowed 10,000 additional glider vehicles to be produced with high polluting engines would result in the following impacts: 415,000 tons of addition NOx emissions, 6,800 tons of additional PM emissions, 700 to 1,600 premature deaths, $3 to $11 billion in PM-related monetized disbenefits.").
[438] HDP2 Rule, 81 Fed. Reg. at 73,942.
[439] HDP2 Rule, 81 Fed. Reg. at 73,941.
[440] HDP2 Rule, 81 Fed. Reg. at 73,883, 73,943 ("[I]t is clear that removing even a fraction of glider kit vehicles from the road will yield substantial health-related benefits.").
[441] HDP2 Rule, 81 Fed. Reg. at 73,943.

recent analysis—a study conducted in 2017—show that in fact, EPA *underestimated* the criteria pollutant emissions from glider vehicles in the Phase 2 Standards.[442]

Most glider producers were already operating within the range of the cap, so their businesses will not be adversely affected,[443] and the public health benefits of keeping as many glider vehicles off the road as possible are immense.

EPA has not and cannot justify an increase in the cap on production of uncontrolled glider vehicles. Given the extensive evidence of public health risks from uncontrolled vehicles, if the agency considers any change to the cap, it should consider lowering the maximum number of uncontrolled vehicles allowed.

XfffK

EPA is proposing to revoke important safeguards against glider truck pollution based on an impermissible reading of the statute, without properly considering any of the most important and alarming consequences of this regulatory change for public health or a host of other vital considerations. For the foregoing reasons, EDF respectfully urges that EPA withdraw the Proposed Rule.

Respectfully submitted,

Alice Henderson
Chet France
Hilary Sinnamon
Erin Murphy
Martha Roberts
Peter Zalzal
Rachel Fullmer
Surbhi Sarang
For EDF

Howard Learner
Ann Mesnikoff
For EPLC

Peggy M. Shepard
For WE ACT

[442] Chassis Dynamometer Testing 22-27. EPA, "Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles" at 22-27 (Nov. 20, 2017), *available at* https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-2417.

[443] As noted above, the one company known to produce more than 300 vehicles per year has publicly stated that its business can remain profitable at 300 vehicles per year. See Section 11(b).

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration
Start Date/Time: Thur 12/28/2017 6:00:00 PM
End Date/Time: Thur 12/28/2017 7:00:00 PM

Ex. 6 - Personal Privacy

To: Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Tue 8/8/2017 12:19:36 PM
Subject: Re: Glider Reconsideration Update - V5.pptx

Chuck

Ex. 5 - Deliberative Process

Thanks
Bill

Sent from my iPhone

On Aug 8, 2017, at 8:01 AM, Moulis, Charles <moulis.charles@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Monday, August 07, 2017 8:13 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Glider Reconsideration Update - V5.pptx

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Moulis, Charles
Sent: August 07, 2017 9:24 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: Glider Reconsideration Update - V5.pptx

Mark,

Ex. 5 - Deliberative Process; Attorney Client

To: Jack Kitowski (jack.kitowski@arb.ca.gov)[jack.kitowski@arb.ca.gov]; Carter, Michael@ARB[michael.carter@arb.ca.gov]
From: Charmley, William
Sent: Tue 10/24/2017 8:55:58 PM
Subject: EPA action on gliders

Dear Jack and Mike,

I tried to call both of you on Monday, though I did not leave a message.

I wanted to let both of you and the CARB team know that last week on Friday EPA submitted to the Office of Management and Budget for formal interagency review a draft Notice of Proposed Rulemaking. The action is specific to heavy-duty glider vehicles, glider kits, and glider engines.

The action is listed on OMB's web site as being under interagency review – the title is ""Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

This was reported widely on Monday in a number of trade press and some of the D.C. press.

The title pretty much says it all. I know that this topic is of interest to many stakeholders, as well as CARB.

Please let me know if you have any questions. The next step in the process is after OMB completes the interagency review, the draft proposal will come back to EPA, and the Administrator will be able to sign and EPA can publish the proposal and open up a public comment period.

Thanks

Bill

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Haugen, David[haugen.david@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Mon 11/13/2017 11:06:00 AM
Subject: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Dear Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions on this topic.

Bill

To: Laurie Holmes[lholmes@mema.org]
From: Charmley, William
Sent: Tue 11/28/2017 10:22:27 PM
Subject: Re: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Laurie
Thanks for you response yesterday. Today was one of those days, and I apologize for not getting back to you.

First thing on Wednesday I will search my teams calendars and let you know if Thursday at 4:30 will work for us.

Thanks
Bill

Sent from my iPhone

On Nov 27, 2017, at 5:40 PM, Laurie Holmes <lholmes@mema.org> wrote:

Hi Bill,

We would be happy to discuss this issue of glider kits with you – although we are still in the process of developing MEMA's position. The two proposed times next week are not good for us since we will be traveling. We have an off-site meeting on Thursday from 3-4 and probably won't be back in the office until 4:30. Could we do 4:30 on Thursday (11/30)?

Best,

Laurie Holmes

Senior Director, Environmental Policy

Motor & Equipment Manufacturers Association

1030 15th Street NW, Suite 500 East

Washington, DC 20005

Direct: 202-312-9247

Mobile: 202-422-6182

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, November 27, 2017 5:09 PM
To: Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Laurie Holmes <lholmes@mema.org>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy
Start Date/Time: Tue 2/20/2018 6:00:00 PM
End Date/Time: Tue 2/20/2018 7:00:00 PM

To: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Tue 10/24/2017 7:58:58 PM
Subject: RE: Glider NPRM - EO12898

Dear all –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Sargeant, Kathryn
Sent: Tuesday, October 24, 2017 3:38 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Glider NPRM - EO12898

I apologize that I was multi-tasking and not approaching this comprehensively (and now this

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Tuesday, October 24, 2017 3:25 PM
To: Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Orlin, David
Sent: October 24, 2017 3:09 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Sargeant, Kathryn
Sent: Tuesday, October 24, 2017 2:59 PM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David
Sent: Tuesday, October 24, 2017 2:46 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Sargeant, Kathryn
Sent: Tuesday, October 24, 2017 2:36 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Tuesday, October 24, 2017 1:05 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>;

Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: Glider NPRM - EO12898

OTAQ (and Michele Knorr, OGC's EO 12898 attorney),

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Sutton, Tia
Sent: October 20, 2017 5:46 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: HD glider rescission rule - OMB review file

Hi all,

Attached is what was apparently uploaded this afternoon. I just connected with Chad, and OMB was also unaware that it had been uploaded. Chad is going to circulate things to the Interagency reviewers ASAP, but not sure what this means for the reginfo.gov website (it may not show up there as being under 12866 review until sometime Monday).

OMB has requested a briefing on Monday at 4pm, and a follow-up call on Tuesday at 10am (mostly to talk legal issues). I will check schedules now, but please let me know if these options do not work for you at all.

Thanks,

Tia

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 1:37:10 PM
Subject: RE: Glider Re-consideration.

Chris, Karl, David, Mark, Lee and Ben,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

On Sep 22, 2017, at 7:47 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: September 22, 2017 at 7:32:29 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Subject: Re: RE:

Thanks for that. Can we talk about gliders Monday? I need to get more info on the schedule and need more of an explanation than OAR is doing a lot of technical work. Much appreciated as always.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Sep 22, 2017, at 4:32 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Hi Ryan-

Not Responsive

Thanks

Sarah

From: Jackson, Ryan
Sent: Friday, September 22, 2017 2:48 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject:

Not Responsive

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in
Start Date/Time: Thur 12/7/2017 8:00:00 PM
End Date/Time: Thur 12/7/2017 9:00:00 PM

Ex. 6 - Personal Privacy

To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Belser, Evan[Belser.Evan@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 10/4/2017 2:46:28 PM
Subject: Follow-up to my brief discussion with Phil on Gliders Not Responsive Reconsideration Rule, and Ex. 5 - Deliberative Process
Not Responsive Glider Reconsideration Analyses and Schedule Options, Sept 2....pptx

Dear Phil and Evan,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I will send you both a draft of Ex. 5 - Deliberative Process later today.

Thanks

Bill

To: Sean Waters[sean.waters@daimler.com]
From: Charmley, William
Sent: Sat 11/4/2017 4:06:35 PM
Subject: DTNA CEO quote on gliders

Dear Sean
In this article from earlier this week:

http://www.truckinginfo.com/channel/fleet-management/news/story/2017/10/epa-aiming-to-pull-glider-kits-from-ghg-mpg-rule.aspx

Is the following quote:

"For major truck makers, the battle over glider kits may amount to fighting the last war and therefore it is a conflict they may well prefer to sit out. Consider what Daimler Trucks North America President and CEO Roger Nielsen told HDT recently about glider kits. "Regardless of what happens with the glider rule, we're going to keep to the [Phase 2] rules we agreed to. We have moved on, so in our business plans, we took it as certain that this would happen. That phase-out of gliders, that's our course.

Nielsen added that "it's interesting to watch the discussion," noting that there are "not too many left providing gliders. There are certainly cases where customers need remanufactured engines to help replace wrecks, but the direction we are taking, and [at this point] still is the rule, that's the path we're going to take."

If possible I would like to catch up with you on this topic later this upcoming week.

Thanks
Bill

From: Charmley, William
Location: N158
Importance: Normal
Subject: Not Responsive Glider Reconsideration
Start Date/Time: Wed 10/18/2017 3:30:00 PM
End Date/Time: Wed 10/18/2017 4:20:00 PM

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Tue 11/28/2017 10:06:08 PM
Subject: RE: pls send list of who has registered so far for Glider hearing

Chris,

Here is the list from Christy Parsons as of Monday afternoon. As of Monday we had about 50 people signed up to testify, and UCS asked us to hold about 10 additional places for members of UCS they believe will be coming to testify.

Christy and the team are going to get together on Thursday morning to develop a draft list of Panels, and then send that for me for any suggestions, and by the end of the day on Thursday they will email each person with their tentative panel # and approximate time, so people can plan their day.

I can send you an updated list on Thursday.

Count	**Name**	**Company or organization name**	**Type of Organization**
1	Gary W Ewart	American Thoracic Society	Academia/research organization
2	Rachel Muncrief	The ICCT	Academia/research organization
3	Dorothy Brandt	Moms Clean Air Force	Concerned citizen
4	Olivia Bartlett	Do The Most Good Montgomery County, MD	Concerned citizen
5	Zachary Eldredge	Private Citizen	Concerned citizen
6	Keith Sendall	Private Citizen	Concerned citizen
7	Janet Lewis	Private Citizen	Concerned citizen
8	Leonard Wayne	Private Citizen	Concerned citizen
9	Steve Spacek	Private Citizen	Concerned citizen
10	Richard Reis	Private Citizen	Concerned citizen
11	Patrick H Quinn	Heavy Duty Fuel Efficiency Leadership Group	Manufacturer, Dealer or Rebuilder

12	Farrell Dale Clark jr	D&B truck and equipment sales LLC	Manufacturer, Dealer or Rebuilder
13	Terry L Dotson	Worldwide Equipment Inc	Manufacturer, Dealer or Rebuilder
14	John Calvin Doub	TMI Truck and Equipment	Manufacturer, Dealer or Rebuilder
15	Susan Alt	Volvo Group North America	New truck OEM
16	Paul Billings	American Lung Association	Non-government organization
17	Ann Mesnikoff	Environmental Law & Policy Center	Non-government organization
18	Luke Tonachel	Natural Resources Defense Council	Non-government organization
19	Janice E. Nolen	American Lung Association	Non-government organization
20	Molly Rauch	Moms Clean Air Force	Non-government organization
21	Diana Van Vleet	American Lung Association	Non-government organization
22	Jennifer Olson	Environment America	Non-government organization
23	Madeline Page	Public Citizen	Non-government organization
24	Dr. Dave Cooke	Union of Concerned Scientists	Non-government organization
25	Martha Roberts	Environmental Defense Fund	Non-government organization
26	David Friedman	Consumers Union	Non-government organization
28	Dave Cooke	Union of Concerned Scientists	Non-government organization
29	Jonna Hamilton	Union of Concerned Scientists	Non-government organization
30	Carol Lee Rawn	Ceres	Non-government organization
31	Elizabeth Brandt	Moms Clean Air Force	Non-government organization
32	Jack Gillis	Consumer Federation of America	Non-government organization
33	Andrew Linhardt	Sierra Club	Non-government organization
34	Siddiq Khan	American Council for an Energy-Efficient Economy (ACEEE)	Non-government organization
35	Maria Rizo-Dellinger	Clean Air Moms	Non-government organization
36	Erin Murphy	Environmental Defense Fund	Non-government

			organization
37	Surbhi Sarang	Environmental Defense Fund	Non-government organization
38	Matthew Solomon	Northeast States for Coordinated Air Use Management	State/Local/Other Government
39	N/A	New York State Official	State/Local/Other Government
40	Miles Keogh	National Association of Clean Air Agencies (NACAA)	State/Local/Other Government
41	Silvia Lucero	Moms Clean Air Force	State/Local/Other Government
42	Paul E Farrell	State of Connecticut, Department of Energy and Environmental Protection	State/Local/Other Government
43	Steve Cliff	California Air Resources Board	State/Local/Other Government
44	Michael Geller	Manufacturers of Emission Controls Association	Trade Association
45	Christopher Miller	Advanced Engine Systems Institute	Trade Association
46	Robert Nuss	Nuss Truck & Equipment	Truck dealer
47	Jed Mandel	Truck and Engine Manufacturers Association	Trade Association
48	Glen Kedzie	American Trucking Association	Trade Association
49	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
50	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
51	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
52	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
53	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
54	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
55	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
56	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
57	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
58	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
59	TBD	private citizen (Hold requested by Union of Concerned Scientists)	Concerned citizen
60	TBD	private citizen (Hold requested by Union of	Concerned citizen

		Concerned Scientists)
61	TBD	private citizen (Hold requested by Union of Concerned citizen Concerned Scientists)

From: Grundler, Christopher
Sent: Tuesday, November 28, 2017 4:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: pls send list of who has registered so far for Glider hearing

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in
Start Date/Time: Wed 5/30/2018 1:00:00 PM
End Date/Time: Wed 5/30/2018 2:00:00 PM

Ex. 6 - Personal Privacy

To: Robin Moran[Moran.Robin@epa.gov]; Michael Olechiw (olechiw.michael@epa.gov)[olechiw.michael@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
Cc: Bolon, Kevin[Bolon.Kevin@epa.gov]; Jeff Alson[Alson.Jeff@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Wed 1/24/2018 2:04:28 PM
Subject: 2 upcoming MTE-related meetings for AA Wehrum: MEMA on Feb 5, and EDF on Feb 15, and probably HD Gliders as well: Action Item: 1/2 page prep. material for the AA

Dear Robin, Mike, Christy, Chuck and Brian,

Yesterday we received notice that AA Wehrum has accepted request for 2 meetings;

- Feb 5, MEMA, 4:15 – 5pm

- Feb 15, EDF, 2 – 2:45

I have told Ben that I don't think we need to do a pre-brief for the AA for either of these meetings, but that we will develop a 1 or 2 page background document what we can provide to OAR a few days before the meetings.

For the MEMA meeting, the appointment scheduler Chris and I have don't include any information on who will be coming. For EDF, it lists the two people from EDF as Martha Roberts and Chet France.

I don't know the specific topics either group will raise to the AA, but I think we can assume it

will include the MTE, and probably also Gliders.

Ex. 5 - Deliberative Process

Thanks

Bill

To: revelt.jean-marie@epa.gov[revelt.jean-marie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Angela Cullen[Cullen.Angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 11/14/2017 9:10:14 PM
Subject: FW: OOIDA Surveys
2017 LL Reader Survey - Analysis.docx
2016 Owner-Operator Survey - FINAL.pdf
Owner-Operator Survey Comparison - 2016 Template EPA.xlsx

Dear all –

Here is the information that OOIDA sent as a follow-up to our meeting.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Thomas Weakley [mailto:Tom_Weakley@ooida.com]
Sent: Tuesday, November 14, 2017 3:29 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: OOIDA Surveys

A whole lot more information than you need but a good profile of who the owner-operator is. I am also attaching the survey done for our marketing department for the magazine LandLine (Our

magazine) with an articulated circulation of over 220,000. Not all of these respondents are members of OOIDA but they are the ones that ask about glider preference. Unfortunately they do not ask what regions of the country the respondents are from like we do so we are unable to drill down and give you the answer as to which regions are more likely to look at glider kits. I highlighted the landline Survey questions and answers that are pertinent.

Thomas Weakley

Director of Operations, Foundation

OOIDA Foundation

OOIDA Foundation, Inc.

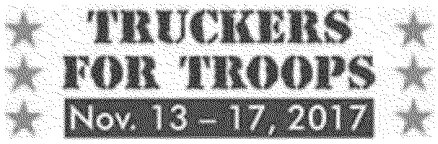
Toll Free 800-444-5791

Local 816-229-5791

Fax

Ext. 1123

tom_weakley@ooida.com



Please consider the environment before printing this e-mail.

This message contains confidential information. Unless you are the addressee or authorized to receive confidential information for the addressee, you may not retain, copy, use, or distribute this information. If you have received this message in error, please delete it and advise the sender immediately.

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: 'Kathryn Sargeant (sargeant.kathryn@epa.gov)'[sargeant.kathryn@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]
From: Charmley, William
Sent: Thur 11/2/2017 3:29:20 PM
Subject: Next steps today for sending a clearance package to OIRA on the glider repeal NPRM

Dear all –

We just finished with a short discussion at the end of the RFS meeting that included Mandy, David Harlow, Eric B., and David Orlin regarding the status of the glider proposal.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I don't believe that signature will happen today, but I think we should be prepared that signature could happen on Friday.

Thanks

Bill

From: Charmley, William
Sent: Thursday, November 02, 2017 10:10 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov) <sargeant.kathryn@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Who within ASD will be the Point of Contact for the glider rescind NPRM?

Dear all,

Have you decided who would be the EPA point of contact listed in the FR notice for the glider repeal/rescind proposal?

Thanks

Bill

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in
Start Date/Time: Tue 9/4/2018 6:00:00 PM
End Date/Time: Tue 9/4/2018 7:00:00 PM

Ex. 6 - Personal Privacy

To: Cullen, Angela[cullen.angela@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 11/14/2017 8:58:39 PM
Subject: RE: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Angela,

Ex. 5 - Deliberative Process

Thanks

Bill

From: Cullen, Angela
Sent: Tuesday, November 14, 2017 2:37 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: RE: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Bill,

Ex. 5 - Deliberative Process

Angela

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Monday, November 13, 2017 6:06 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Dear Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions on this topic.

Bill

To: Robin Moran[Moran.Robin@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Jeff Alson[Alson.Jeff@epa.gov]; Snapp, Lisa[snapp.lisa@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Bolon, Kevin[Bolon.Kevin@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 11:45:34 AM
Subject: Direction from EPA leadership to proceed with schedule that develops Not Responsive; Ex. 5 - Deliberative Process Not Responsive; Ex. 5 - Deliberative Process

Dear all –

On Friday morning OTAQ had a briefing for Mandy G. and Erik B. to discuss some heavy-duty issues (gliders Not Responsive; Ex. 5 - Deliberative Process Mark and David were in the room with Mandy and others in D.C. for this discussion, and Karl was on the phone.

Not Responsive; Ex. 5 - Deliberative Process

We can discuss this at our weekly later today, and with Chris this afternoon.

Thanks

Bill

To: Orlin, David[Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 10/18/2017 8:39:20 PM
Subject: FW: Draft Proposal of Glider Repeal
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - ....docx

David and Mark,

Thank you for sharing this draft from Erik.

Does OGC want Ann Arbor to post this on a sharepoint drive for any comments that OGC wants to make on this, or do you all want to work on this within OGC as a stand-alone document?

Thanks

Bill

From: Orlin, David
Sent: Wednesday, October 18, 2017 4:28 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Draft Proposal of Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Baptist, Erik" <baptist.erik@epa.gov>
Date: October 18, 2017 at 4:26:07 PM EDT
To: "Orlin, David" <Orlin.David@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: Draft Proposal of Glider Repeal

David,

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy
Start Date/Time: Tue 10/9/2018 6:00:00 PM
End Date/Time: Tue 10/9/2018 7:00:00 PM

To: Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Wed 10/4/2017 12:42:53 PM
Subject: Re: Draft Glider and Trailer Delay NPRM

If those things can happen by noon I agree that would be good, especially addressing any outstanding pace holders or comments.

Ex. 5 - Deliberative Process; Attorney Client

Thanks
Bill

Sent from my iPhone

On Oct 4, 2017, at 8:33 AM, Sargeant, Kathryn <sargeant.kathryn@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William
Sent: Wednesday, October 04, 2017 6:17 AM
To: Orlin, David <Orlin.David@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Orlin, David
Sent: Tuesday, October 03, 2017 5:39 PM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Yanca, Catherine
Sent: Thursday, September 28, 2017 4:08 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Hi everyone,

I put the draft FRN here for further edits:

https://usepa.sharepoint.com/sites/oar_Work/HDP2/Shared%20Documents/0.0%20Recon%20Rule/0.5%20De

Thanks!

~Cay

From: Moulis, Charles
Sent: Thursday, September 28, 2017 9:32 AM
To: Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Ex. 5 - Deliberative Process; Attorney Client

To: Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Fri 10/13/2017 1:03:07 PM
Subject: RE: Lab tour with Paul Billings, ALA

It is fine, plus I want Paul to see the chassis lab.

Please have someone show him a clean PM filter, and a filter after one of the glider tests.

Paul as a member of ALA was a stakeholder during the development of the Tier 2 standards where for the first time EPA made the diesel light-duty standards equal to the gasoline vehicle standards, the 2007-2010 highway HD standards, the nonroad diesel standards, and the diesel locomotive and marine standards – he will understand what the filters mean.

Thanks

Bill

From: Cullen, Angela
Sent: Friday, October 13, 2017 8:34 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: FW: Lab tour with Paul Billings, ALA

I believe this is ok, but wanted to double check with you. Any concerns with letting ALA see that we are testing a glider?

From: Brusstar, Matt
Sent: Thursday, October 12, 2017 5:47 PM
To: Cullen, Angela <cullen.angela@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>
Subject: Lab tour with Paul Billings, ALA

Angela—

I wanted to check with you to see if it would be okay to allow Paul Billings from American Lung Assn visit the HD chassis site next week during his lab tour. I was going to highlight the testing of the gliders, but not if this is too sensitive to share with him.

Matt

From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy
Start Date/Time: Mon 11/27/2017 9:00:00 PM
End Date/Time: Mon 11/27/2017 9:50:00 PM

To: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 10/24/2017 6:57:33 PM
Subject: FW: Glider NPRM - EO12898

Ex. 5 - Deliberative Process

Not sure we will have time, but it would be good if we can catch up on this.

Thanks

Bill

From: Sargeant, Kathryn
Sent: Tuesday, October 24, 2017 2:36 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Glider NPRM - EO12898

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Tuesday, October 24, 2017 1:05 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: Glider NPRM - EO12898

OTAQ (and Michele Knorr, OGC's EO 12898 attorney),

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Sutton, Tia
Sent: October 20, 2017 5:46 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: HD glider rescission rule - OMB review file

Hi all,

Attached is what was apparently uploaded this afternoon. I just connected with Chad, and OMB was also unaware that it had been uploaded. Chad is going to circulate things to the Interagency reviewers ASAP, but not sure what this means for the reginfo.gov website (it may not show up there as being under 12866 review until sometime Monday).

OMB has requested a briefing on Monday at 4pm, and a follow-up call on Tuesday at 10am (mostly to talk legal issues). I will check schedules now, but please let me know if these options do not work for you at all.

Thanks,

Tia

To: Brewer, Tom[TBrewer@tntech.edu]
From: Charmley, William
Sent: Fri 11/3/2017 9:17:33 PM
Subject: RE: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Dear Mr. Brewer,

Thank you for making your team available for a call next week on Tuesday from 4-5 eastern.

Here is who I will have with me on the call for EPA:

•□□□□□□□□ Angela Cullen, Director, Data and Testing Center, Assessment and Standards Division

•□□□□□□□□ Chuck Moulis, Engineer, Heavy-duty On-Road and Non-road Center, Assessment and Standards Division

•□□□□□□□□ George Mitchel, Engineer, Heavy-duty On-Road and Non-road Center, Assessment and Standards Division

•□□□□□□□□ Chris Laroo, Chemist, Heavy-duty On-Road and Non-road Center, Assessment and Standards Division

Angela's background is BS/MS in material science engineering, Chuck I believe is BS/MS civil engineer, George is BS/MS mechanical engineering, Chris is BS/MS chemistry, and my background is BS physics/MS atmospheric science.

We are looking forward to the call and learning more regarding the Tennessee Tech test program.

Sincerely,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Thursday, November 02, 2017 7:36 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Re: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Director Charmley ... we would like to schedule Tuesday November 7 from 4-5pm EASTERN Time (3-4pm CENTRAL Time) for our Conference Call .... and the TTU Team will call in to the # you provided below.

The TTU Team is as follows:

Dr Ben Mohr PhD / PE ... College of Engineering / Chair of Civil & Environmental Engineering

Mark Davis ... Academic Support Associate / Faculty Advisor for SAE Formula Car Program

Justin Swafford ... Student ... Masters in Mechanical Engineering

Rachel Martin ... Student ... Masters in Business Administration

Tom Brewer ... Assoc Vice President / Executive Director of the TN Center for Intelligent Mobility

Looking forward to our call

Thanks

Tom Brewer

Assoc VP

Tenn Tech University

Sent from my iPad

On Nov 1, 2017, at 12:15 PM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Mr. Brewer,

Thank you for the response to my request from yesterday.

Below are several options available for myself and my staff. All times are eastern. I think an hour will be enough, and we can always decide if additional follow-up would be helpful.

Friday, November 3

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-4pm

Monday, November 6

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-3pm

Tuesday, November 7

- □□□□□□□□ 10am-11am
- □□□□□□□□ 3-5pm

Please let me know if there is an option among these that will work for the Tennessee Tech team. After Tuesday of next week I will be on travel for the rest of the week. I can look for additional dates and times the week of November 13 if the options above don't work.

We can use the following conference call number for our discussion:

Conference phone # Ex. 6 - Personal Privacy

Code Ex. 6 - Personal Privacy

I will have between 3 and 4 members of my team with me, and once we select the date and time I can send you the names of the EPA participants.

Sincerely,

Bill Charmley

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Wednesday, November 01, 2017 9:26 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Oldham, Philip <poldham@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Saltsman, Terry <tsaltsman@tntech.edu>; Wray, Robert Lee <lwray@tntech.edu>
Subject: RE: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Director Charmley … The TTU Team certainly looks forward to talking with you and your staff as to the Protocols and Outcomes from the Class 8 Heavy Duty Glider Kit Emissions Testing.

Could you please provide me with some available times & dates for you within the next week or so and I will coordinate our group as appropriate.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

<image001.jpg>

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 31, 2017 10:38 AM
To: Brewer, Tom <TBrewer@tntech.edu>; Oldham, Philip <poldham@tntech.edu>
Subject: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

October 31, 2017

To: President Philip B. Oldham, President

Tennessee Technological University

Thomas Brewer, Associate Vice President

Center for Intelligent Mobility

Tennessee Technological University

Dear President Oldham and Associate Vice President Brewer:

My staff and I are interested in learning more about the emissions testing program of highway heavy-duty glider vehicles that Tennessee Tech has performed. We understand that the University undertook a testing program to evaluate the emissions performance of glider vehicles based on a June 15, 2017 Tennessee Tech letter that was included in a petition from several glider vehicle assemblers to the Environmental Protection Agency (EPA).

In response to that petition, this past August, EPA Administrator Pruitt announced that EPA is revisiting EPA's regulatory treatment of highway heavy-duty glider vehicles (a copy of the Administrator's letter on this topic is available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel). Based on the Administrator's decision to revisit the existing EPA regulations that apply to glider vehicles, we are looking for additional information on the emissions performance of glider vehicles. In addition, this information may be useful for efforts to improve the forecasting accuracy of EPA's emissions modeling (information on the official EPA mobile emissions model is available at: https://www.epa.gov/moves). As such, we would greatly appreciate an opportunity to learn more about the emissions testing program conducted by Tennessee Tech University.

I would like to arrange a conference call between the principal investigator(s) of the Tennessee Tech glider vehicle test program and my staff to gather additional information on the program your University has performed. Can you please let me know if such an initial call could be arranged, and who I could contact at Tennessee Tech to follow up on this topic?

Sincerely,

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Glen Kedzie[GKedzie@trucking.org]
From: Charmley, William
Sent: Fri 9/8/2017 6:54:16 PM
Subject: RE: Don't forget to send me the glider kit appendix facts on emissions. Thanks Bill.
Appendix A of Section 14 of HD Phase 2 RTC.PDF

Glen,

EPA documented an emissions impact assessment and potential public health impacts from the continued, uncontrolled sale of glider vehicles in the Heavy-duty Phase 2 Final Rule Response to Comments document. That document is available on EPA's web site at;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-greenhouse-gas-emissions-and-fuel-efficiency

However, the Response to Comments document is more than 2,000 page long. In the attachment I have pulled out only Appendix A of Section 14 of the Response to Comments document, which includes our emissions impact assessment of glider vehicles.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Glen Kedzie [mailto:GKedzie@trucking.org]
Sent: Wednesday, September 06, 2017 11:32 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: Don't forget to send me the glider kit appendix facts on emissions. Thanks Bill.

Glen P. Kedzie, Vice President

Energy & Environmental Affairs Counsel

American Trucking Associations, 950 North Glebe Road, Suite 210, Arlington, VA 22203

☎ Phone 703.838.1879 | ☎ Cellular 703.627.0479 | Fax 703.838.1748 | ✉ gkedzie@trucking.org

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From: Charmley, William
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in
Start Date/Time: Mon 11/6/2017 6:05:00 PM
End Date/Time: Mon 11/6/2017 6:55:00 PM

Ex. 6 - Personal Privacy

To: Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Wed 11/8/2017 1:05:42 PM
Subject: Can I get the current update draft of the glider memo

Angela

Ex. 5 - Deliberative Process

Thanks
Bill

To: Orlin, David[Orlin.David@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Wed 10/4/2017 10:17:28 AM
Subject: RE: Draft Glider and Trailer Delay NPRM

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Orlin, David
Sent: Tuesday, October 03, 2017 5:39 PM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark

<Kataoka.Mark@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Yanca, Catherine
Sent: Thursday, September 28, 2017 4:08 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Hi everyone,

I put the draft FRN here for further edits:

https://usepa.sharepoint.com/sites/oar_Work/HDP2/Shared%20Documents/0.0%20Recon%20Rule/0.5%20Dela

Thanks!

~Cay

From: Moulis, Charles
Sent: Thursday, September 28, 2017 9:32 AM

To: Parsons, Christy <Parsons.Christy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Draft Glider and Trailer Delay NPRM

Ex. 5 - Deliberative Process; Attorney Client

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Wed 1/31/2018 3:03:49 PM
Subject: Re: Gliders

You will get it today.
I sent chuck my comments this morning, and he has some comments from David Orlin he needs to address

I asked chuck to include Karl when it gets sent up later today for your review

Sent from my iPhone

On Jan 31, 2018, at 9:41 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

> Bill
> Sorry about the relapse. Can you let me know when to expect another draft of the glider brief?
>
> ---
> Christopher Grundler, Director
> Office of Transportation and Air Quality
> U.S. Environmental Protection Agency
> 202.564.1682 (Washington DC)
> 734.214.4207 (Ann Arbor MI)
> 734.645.5221 (mobile)
> www.epa.gov/otaq

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 1:58:10 PM
Subject: RE: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Bill Charmley
Director
Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory
2000 Traverwood Drive
Ann Arbor, MI 48105

desk ph. 734-214-4466
cell ph. 734-545-0333
e-mail: charmley.william@epa.gov

-----Original Message-----
From: Hengst, Benjamin
Sent: Friday, October 20, 2017 9:56 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Thanks
Ben

-----Original Message-----
From: Charmley, William
Sent: Thursday, October 19, 2017 5:35 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

> On Oct 19, 2017, at 5:26 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:
>
> Bill and co:
>

Ex. 5 - Deliberative Process; Attorney Client

>
> Thanks. Ben

To: JMandel@clpchicago.com[JMandel@clpchicago.com]
From: Charmley, William
Sent: Wed 11/8/2017 12:28:14 PM
Subject: Time to catch up this morning?

Jed
Do you have time today between now and 9:30 to catch up on HD NOx?

I also thought you would find this article below on gliders interesting.

Thanks
Bill

In this article from last week

http://www.truckinginfo.com/channel/fleet-management/news/story/2017/10/epa-aiming-to-pull-glider-kits-from-ghg-mpg-rule.aspx

Is the following quote:

"For major truck makers, the battle over glider kits may amount to fighting the last war and therefore it is a conflict they may well prefer to sit out. Consider what Daimler Trucks North America President and CEO Roger Nielsen told HDT recently about glider kits. "Regardless of what happens with the glider rule, we're going to keep to the [Phase 2] rules we agreed to. We have moved on, so in our business plans, we took it as certain that this would happen. That phase-out of gliders, that's our course.

Nielsen added that "it's interesting to watch the discussion," noting that there are "not too many left providing gliders. There are certainly cases where customers need remanufactured engines to help replace wrecks, but the direction we are taking, and [at this point] still is the rule, that's the path we're going to take."

To: OTAQ Materials[OTAQMaterials@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]
From: Charmley, William
Sent: Thur 9/21/2017 9:35:35 PM
Subject: Final briefing for Friday's 9:30 Glider Not Responsive reconsideration rule briefing attached
Not Responsive Glider Reconsideration Analyses and Schedule Options, Sept 2....pptx

From: Charmley, William
Location: N158, phone Ex. 6 - Personal Privacy
Importance: Normal
Subject: Conference call with Tennessee Tech on Glider Vehicle Emissions Testing Program
Start Date/Time: Tue 11/7/2017 9:00:00 PM
End Date/Time: Tue 11/7/2017 10:00:00 PM

<< November 2, 2017 email from Mr. Brewer >>

Director Charmley ... we would like to schedule Tuesday November 7 from 4-5pm EASTERN Time (3-4pm CENTRAL Time) for our Conference Call .... and the TTU Team will call in to the # you provided below.

The TTU Team is as follows:

Dr Ben Mohr PhD / PE ... College of Engineering / Chair of Civil & Environmental Engineering

Mark Davis ... Academic Support Associate / Faculty Advisor for SAE Formula Car Program

Justin Swafford ... Student ... Masters in Mechanical Engineering

Rachel Martin ... Student ... Masters in Business Administration

Tom Brewer ... Assoc Vice President / Executive Director of the TN Center for Intelligent Mobility

Looking forward to our call

Thanks

Tom Brewer

Assoc VP

Tenn Tech University

To: Matthew Spears[MSpears@emamail.org]
From: Charmley, William
Sent: Thur 11/9/2017 10:41:14 PM
Subject: Re: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Matt
A few things on this topic you may find interesting:

- we have finished testing of one Glider in Ann Arbor, and have a s come on the lab right now. I think we will release a test report on both vehicles in the next week to 10 days, once we have finished testing and the test report

- last week I saw a quote that the DTNA CEO has said Daimler will not to backwards, independent of the outcome of EPAs reconsideration rule

- in the last Few days, ATA has decided to oppose any change in the Glider regulations established in the Phase 2 rule. I think they may be putting out a statement on that topic

- the ASD team reached out recently to Tennessee Tech. We had a good technical discussion with them, and I think we will be able to document for the record what we have learned, which will explain why the Tennessee Tech results are so different than what we have seen. As you know, emissions testing requires deep skills and experience, and while the Tennessee Tech team is well intentioned, I believe that have a lot to learn. I guess that is good, since they are a university, and learning is part of why you go to college.

I hope all is well with you.

All my best

Bill

Sent from my iPhone

On Nov 9, 2017, at 4:07 PM, Matthew Spears <MSpears@emamail.org> wrote:

Sad.

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, November 9, 2017 11:57 AM

Subject: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Dear Highway Heavy-duty Stakeholder;

Today EPA Administrator Pruitt signed the Notice of Proposed Rulemaking titled "*Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*". You can find information regarding this proposed rule at the following website;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks

EPA is opening a public comment period on the proposed rule which extends until January 5, 2018. EPA will also hold a public hearing on the proposal on Monday, December 4, 2017.

Information on how to submit public comments, as well as information on the public hearing, are detailed in the proposed rule. A pre-Federal Register publication version of the proposed rule is available at the website listed above.

Sincerely,

Bill Charmley

US EPA

To: Moulis, Charles[moulis.charles@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 9/6/2017 11:13:56 PM
Subject: Re: Phase 2 Reconsideration Tiering Form - DRAFT

I will not be able to review until Friday, and I would like to review and weigh in before this goes anywhere outside of OTAQ.

Sent from my iPhone

On Sep 6, 2017, at 5:18 PM, Moulis, Charles <moulis.charles@epa.gov> wrote:

Just to be clear, the schedule included in this draft is the one ADP created. Obviously, we will have to completely redo it to show a more expedited schedule.

From: Sargeant, Kathryn
Sent: Wednesday, September 06, 2017 1:52 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Phase 2 Reconsideration Tiering Form - DRAFT

Thanks, Chuck. I have a few questions and reactions to offer to the group for consideration.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Moulis, Charles
Sent: Wednesday, September 06, 2017 12:21 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Phase 2 Reconsideration Tiering Form - DRAFT

Attached is a draft tiering form for the Phase 2 reconsideration. Let me know if you will want any changes before I start working with Tia and Pat to finish this.

Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
To: Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 10:57:48 PM
Subject: Fwd: Glider Hearing Info
Hearing Panels v3.xlsx
ATT00001.htm

Karl
Here is the list. I won't get there until about noon.

In addition to Steve Cliff, I should have noted Miles from NACAA

Sent from my iPhone

Begin forwarded message:

From: "Parsons, Christy" <Parsons.Christy@epa.gov>
Date: November 30, 2017 at 3:53:41 PM EST
To: "Charmley, William" <charmley.william@epa.gov>, "Sargeant, Kathryn" <sargeant.kathryn@epa.gov>, "Nelson, Brian" <nelson.brian@epa.gov>, "Mitchell, George" <Mitchell.George@epa.gov>
Cc: "Sutton, Tia" <sutton.tia@epa.gov>, "Mylan, Christopher" <Mylan.Christopher@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>, "Parsons, Christy" <Parsons.Christy@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>, "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Subject: Glider Hearing Info

Hi All,

A few logistical details and other info that may be of interest related to the public hearing this Monday for the glider repeal NPRM:

- We'll begin to gather at 8:30 am immediately outside of WJCE 1153

o We'll go over roles, logistics, and any additional final prep before attendees start to arrive

•□□□□□□□□ We currently have 66 individuals registered to testify (see attached draft of hearing panels for details)

o Also note that OOIDA, TTMA, National Automobile Dealers Association, & DALE KARDOS & ASSOCIATES, INC. have stated they plan to attend but not testify

•□□□□□□□□ Hearing starts at 10 a.m.

•□□□□□□□□ We plan to break for lunch around 12:45 pm

•□□□□□□□□ We'll likely go through at least 5 pm

My cell phone number is included below if you need to reach me day-of, but please don't hesitate to contact me if any additional details would be useful in the interim.

Thanks!
Christy

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: Ex. 6 - Personal Privacy

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does construe it otherwise, please notify me immediately so that proper contract action can be initiated.

To: Brian Mormino[brian.c.mormino@cummins.com]
From: Charmley, William
Sent: Wed 11/8/2017 12:25:48 PM
Subject: The article I entitled yesterday

In this article from HD truck

http://www.truckinginfo.com/channel/fleet-management/news/story/2017/10/epa-aiming-to-pull-glider-kits-from-ghg-mpg-rule.aspx

Is the following quote:

"For major truck makers, the battle over glider kits may amount to fighting the last war and therefore it is a conflict they may well prefer to sit out. Consider what Daimler Trucks North America President and CEO Roger Nielsen told HDT recently about glider kits. "Regardless of what happens with the glider rule, we're going to keep to the [Phase 2] rules we agreed to. We have moved on, so in our business plans, we took it as certain that this would happen. That phase-out of gliders, that's our course.

Nielsen added that "it's interesting to watch the discussion," noting that there are "not too many left providing gliders. There are certainly cases where customers need remanufactured engines to help replace wrecks, but the direction we are taking, and [at this point] still is the rule, that's the path we're going to take."

To: Orlin, David[Orlin.David@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Wed 1/31/2018 1:39:35 PM
Subject: RE: OGC meeting with ATA on gliders

Bill Sullivan is the Executive VP for Advocacy at ATA.

I spoke with Glen Kedzie from ATA this morning. ATA wants to make sure EPA legal counsel is aware of their views on EPA's glider repeal.

Glen told me only two people from ATA are going to this meeting with OGC – Bill Sullivan and Glen Kedzie.

Thanks

Bill

From: Orlin, David
Sent: Wednesday, January 31, 2018 8:04 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: OGC meeting with ATA on gliders

The invitees on the scheduler are Bill Sullivan and M Audia (?)

On Jan 31, 2018, at 7:44 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Is it with Chris Spear from ATA?

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Jan 31, 2018, at 7:41 AM, Orlin, David <Orlin.David@epa.gov> wrote:

> FYI, I just got invited to a meeting ATA is having with Matt Leopold Thursday at 10 (which I think is to discuss gliders).

To: Orlin, David[Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Thur 1/4/2018 10:39:20 PM
Subject: FW: Tennessee Tech University - Follow Up
Redacted 11-17-17 Email from Tom Brewer with Follow-Up.pdf

Dear all –

Here is the email I just sent to TTU regarding the redacted version of their emission test data that we have placed into the public docket for the rulemaking.

If I hear back from TTU regarding our ability to follow-up with the sponsor of this research program, I'll let everyone know.

Thanks

Bill

From: Charmley, William
Sent: Thursday, January 04, 2018 5:35 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: 'Carpenter, Kae' <kcarpenter@tntech.edu>; 'Soni, Bharat' <bsoni@tntech.edu>; 'Wray, Lee' <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

If it is still possible for EPA to perform outreach to the sponsor of the TTU test program in order to find out if we can make the additional TTU emission test data available to the public, please let me know, as I would be happy to follow-up directly with the sponsor.

In the meantime, EPA's Office of General Counsel , the legal office within EPA, advised my team and I that we should place a redacted version of the TTU data into the public docket. This will make it clear that EPA has such data and we can consider the data in the context of the current glider rulemaking, but that per TTU's request, we are not releasing the detailed emissions test data.

A copy of the information we have placed into the public docket is attached.

Please let me know if you have any questions on this topic, and also your thoughts regarding EPA following up with the sponsor of this research program.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Charmley, William
Sent: Thursday, December 21, 2017 4:49 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

Thank you for this response below regarding the additional test data. I was out of the office last week and I'm still catching up.

Is it possible I could ask the sponsor of the research program if the test data can be made available to the public?

Please let me know your thoughts on this.

Have a peaceful holiday.

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, December 12, 2017 11:25 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Bill …. Thank you for your email.

The document you reference is part of a Sponsored Research project.

Consequently, Tennessee Tech University does not have the authority to grant permission to publish it.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, December 08, 2017 3:22 PM
To: Brewer, Tom <TBrewer@tntech.edu>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

I have attached to this email the spreadsheet that you provided at my request in mid-November which includes the additional NOx and CO data the TTU team collected during your testing of several reman and OEM tractors.

My staff and I would like to place this data into the public docket for our current rulemaking, that is, the proposal EPA issues last month to repeal the current EPA standards that apply to glider tractors. This would make the TTU test data for the additional test modes available for stakeholders to review.

Can you please let us know if that is acceptable to TTU?

Please not that next week, December 11-15, I will not be in the office. If you have any questions you can respond to this mail, and Angela or Brian can follow up with you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Friday, November 17, 2017 3:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Tennessee Tech University - Follow Up

Bill …. Per your request for the TTU Heavy Duty Truck Emissions Field Testing results ….. please see the attached details of the data for the (15) vehicles.

And to follow up from our Conference Call, the minutes you sent for us to review are accurate !

Lastly, TTU is requesting two pieces of information from the EPA :

- Specifications (Cetane Rating etc) for the Fuel used in Emissions Testing at the EPA Ann Abor Lab

- How many / What Make and Model of Glider Kits are you currently testing ?

Thank you so much and don't hesitate contacting me for further information.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee
TECH

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Fri 1/12/2018 6:54:26 PM
Subject: RE: Draft status report on Trailers for your review by 1/16

Mark –

I just read this, and I don't have any comments.

Thanks

Bill

From: Kataoka, Mark
Sent: Friday, January 12, 2018 1:19 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Draft status report on Trailers for your review by 1/16

Bill/Brian/Chuck/Ben,

Ex. 5 - Attorney Client; Attorney Work Product

Thanks.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

To: Moulis, Charles[moulis.charles@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Wed 1/31/2018 1:19:12 PM
Subject: Charmley - comments on draft glider briefing for AA Wehrum

Dear Chuck –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; revelt.jean-marie@epa.gov[revelt.jean-marie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Tue 10/31/2017 3:48:40 PM
Subject: 5 letters from companies regarding the glider topic
GATR Truck Center, Robert Neitzke letter, October 13, 2017.pdf
Nuss Truck & Equipment, Robert Nuss letter, October 14, 2017.pdf
TEC Equipment, David Thompson letter, October 13, 2017.pdf
VoMac Truck Sales, Philip Morelli letter, Oct 17, 2017.pdf
RDO Truck Centers, Kenneth Useldinger letter.pdf

Dear all,

A representative from the company Volvo sent me the attached 5 letters.

It is possible that we may see these through the control process.

Regardless of that topic, I would like to have each of these letters placed into the public docket for the heavy-duty Phase 2 rule.

Thanks

Bill

To: Angela Cullen[Cullen.Angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Laroo, Chris[laroo.chris@epa.gov]; Sanchez, James[sanchez.james@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 10:11:53 PM
Subject: Conference call with Tennessee Tech on Glider Vehicle Emissions Testing Program
Questions from EPA Ann Arbor Staff on June 2017 Glider Test Report.docx

Here are the questions I sent to Tennessee Tech before our call today.

To: Dunham, Sarah[Dunham.Sarah@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Charmley, William
Sent: Fri 10/27/2017 10:15:48 PM
Subject: Re: Gliders

Sarah

Ex. 5 - Deliberative Process

Thanks
Bill

On Oct 27, 2017, at 5:46 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

-----Original Message-----
From: Dunham, Sarah
Sent: Friday, October 27, 2017 5:44 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----
From: Gunasekara, Mandy
Sent: Friday, October 27, 2017 5:21 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

Per Millet's note, when did OTAQ do the first test? Can you send me the results?

-----Original Message-----
From: Dunham, Sarah
Sent: Friday, October 27, 2017 3:41 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

We're checking.

-----Original Message-----
From: Gunasekara, Mandy
Sent: Friday, October 27, 2017 3:39 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Gliders

We got a press question asking whether OTAQ is doing emissions testing on gliders? Have we before or are we in the process?

Sent from my iPhone

To: aschaeffer@dieselforum.org[aschaeffer@dieselforum.org]
From: Charmley, William
Sent: Thur 11/2/2017 1:10:16 PM
Subject: Re: Your voice mail re Glider Kits - time for a call how about tomorrow between 11 and 1

Alan, let's try 11:15
I can send you a scheduler once my laptop boots up

Thanks
Bill

Sent from my iPhone

On Nov 2, 2017, at 9:08 AM, Allen Schaeffer <aschaeffer@dieselforum.org> wrote:

Hi Bill- got your voice mail. Happy to discuss tomorrow between 11 and 1. What's a good time for you?

Allen Schaeffer

Executive Director

Diesel Technology Forum

301-668-7230

www.dieselforum.org

Ready for Tomorrow, Working Today: Clean Diesel Power

To: tbrewer@tntech.edu[tbrewer@tntech.edu]; poldham@tntech.edu[poldham@tntech.edu]
From: Charmley, William
Sent: Tue 10/31/2017 3:37:42 PM
Subject: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

October 31, 2017

To: President Philip B. Oldham, President

Tennessee Technological University

Thomas Brewer, Associate Vice President

Center for Intelligent Mobility

Tennessee Technological University

Dear President Oldham and Associate Vice President Brewer:

My staff and I are interested in learning more about the emissions testing program of highway heavy-duty glider vehicles that Tennessee Tech has performed. We understand that the University undertook a testing program to evaluate the emissions performance of glider vehicles based on a June 15, 2017 Tennessee Tech letter that was included in a petition from several glider vehicle assemblers to the Environmental Protection Agency (EPA).

In response to that petition, this past August, EPA Administrator Pruitt announced that EPA is revisiting EPA's regulatory treatment of highway heavy-duty glider vehicles (a copy of the Administrator's letter on this topic is available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-

reconsideration-phase-2-ghg-emissions-and-fuel). Based on the Administrator's decision to revisit the existing EPA regulations that apply to glider vehicles, we are looking for additional information on the emissions performance of glider vehicles. In addition, this information may be useful for efforts to improve the forecasting accuracy of EPA's emissions modeling (information on the official EPA mobile emissions model is available at: https://www.epa.gov/moves). As such, we would greatly appreciate an opportunity to learn more about the emissions testing program conducted by Tennessee Tech University.

I would like to arrange a conference call between the principal investigator(s) of the Tennessee Tech glider vehicle test program and my staff to gather additional information on the program your University has performed. Can you please let me know if such an initial call could be arranged, and who I could contact at Tennessee Tech to follow up on this topic?

Sincerely,

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Sutton, Tia[sutton.tia@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Mon 10/23/2017 12:32:50 PM
Subject: Re: HD glider rescission rule - OMB review file

Tia,
Thanks. What is the title that shows up on the dashboard?

Sent from my iPhone

On Oct 23, 2017, at 8:31 AM, Sutton, Tia <sutton.tia@epa.gov> wrote:

It's there- it got picked up in today's 6am refresh. Shows up as a 10/20 receipt date.

Sent from my iPhone

On Oct 23, 2017, at 6:32 AM, Charmley, William <charmley.william@epa.gov> wrote:

Dear all –

Can someone please let me know when this action shows up on OIRA's reg dash board as being under interagency review.

Thanks

Bill

From: Sutton, Tia
Sent: Friday, October 20, 2017 5:46 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>;

Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: HD glider rescission rule - OMB review file

Hi all,

Attached is what was apparently uploaded this afternoon. I just connected with Chad, and OMB was also unaware that it had been uploaded. Chad is going to circulate things to the Interagency reviewers ASAP, but not sure what this means for the reginfo.gov website (it may not show up there as being under 12866 review until sometime Monday).

OMB has requested a briefing on Monday at 4pm, and a follow-up call on Tuesday at 10am (mostly to talk legal issues). I will check schedules now, but please let me know if these options do not work for you at all.

Thanks,

Tia

From: Hengst, Benjamin
Sent: Friday, October 20, 2017 5:22 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: HD glider rescission rule

The HD glider rescission rule has been uploaded, evidently. We had not heard whether it was going to happen or not but Tia just heard from OP that it happened.

Tia is working now to get the version that was transmitted to OMB. We will circulate

it just so we know where things stand.

According to Chad at OMB, we should expect a request for a briefing on it early next week, and perhaps a specific call on legal issues.

Ben

To: Angela Cullen[Cullen.Angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 1:26:01 PM
Subject: Status update on the Glide repeal draft NPRM

Dear all

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

To: Iffland, JoNell[Iffland.JoNell@epa.gov]; Gonzalez, Gail[Gonzalez.Gail@epa.gov]
From: Charmley, William
Sent: Mon 6/26/2017 1:58:22 PM
Subject: Fwd: Glider backgrounder
Glider Kit Background and HD Phase 2 Rule Provisions June 21 2017 v2.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: June 21, 2017 at 3:55:30 PM EDT
To: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Grundler, Christopher" <grundler.christopher@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
Subject: FW: Glider backgrounder

Ex. 5 - Deliberative Process

Can you please forward this edited version to folks, as appropriate? Sorry for the inconvenience. Ben

From: Hengst, Benjamin
Sent: Wednesday, June 21, 2017 9:04 AM
To: Sarah Dunham <Dunham.Sarah@epa.gov>; Josh Lewis <Lewis.Josh@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; William Charmley (charmley.william@epa.gov) <charmley.william@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Glider backgrounder

Josh, Sarah:

Ex. 5 - Deliberative Process

To: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Storhok, Ines[storhok.ines@epa.gov]
From: Charmley, William
Sent: Thur 10/12/2017 5:23:00 PM
Subject: FW: Interpretive Rule

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Grundler, Christopher
Sent: Thursday, October 12, 2017 1:14 PM
To: Cook, Leila <cook.leila@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Re: Interpretive Rule

No action on our part right now re: formatting or review

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 12, 2017, at 1:00 PM, Cook, Leila <cook.leila@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Lee

From: Simon, Karl
Sent: Thursday, October 12, 2017 12:57 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Re: Interpretive Rule

That would explain why Mandy and David **Not Responsive** Assume we are providing no comments?

On Oct 12, 2017, at 12:50 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Dunham, Sarah
Sent: Thursday, October 12, 2017 12:40 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Interpretive Rule

Ex. 5 - Attorney Client

I and/or Josh will try to reach you in person.

Begin forwarded message:

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Date: October 12, 2017 at 12:36:52 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Cc: "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Baptist, Erik" <baptist.erik@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>
Subject: Interpretive Rule

Sarah and Josh,

Ex. 5 - Attorney Client

Thanks,
Mandy

<Interpretive Rule on Gliders.docx>

Sent from my iPhone

From: Charmley, William
Location: N158
Importance: Normal
Subject: Conference call with MEMA
Start Date/Time: Thur 11/30/2017 9:40:00 PM
End Date/Time: Thur 11/30/2017 10:30:00 PM
Motor & Equipment Manufacturers Association MEMA-1274-A1.pdf

Dear all – I have updated this by including a copy of MEMA's comments on the HD Phase 2 proposal, and copied below there specific comments on gliders and remanufacturered products.

Also – here is the link from Laurie and MEMA to their remanuf. Members list: link to the MERA membership list: https://www.mera.org/mera-member-companies

Reconsider Actions Impacting Remanufactured Engines

In addition to representing original equipment suppliers, MEMA also represents remanufacturers and their suppliers. The proposed rule seeks to regulate non-new under Phase 2, including gliders and remanufactured engines. There remains a legi and purpose for glider kits and remanufactured engines and our members would li the reduction of potential objectionable uses of the standards. However, MEMA is c the direction being proposed by the agency is swinging the pendulum too far in the and has the potential to significantly impact this industry segment.

Remanufactured parts are given an extended life, cost less to produce and purch minimize the impact on the environment by not ending up in the waste stream. The remanufacturing industry supports over 50,000 direct jobs in the U.S. and demonst commitment to sustainability through product innovation and the incorporation of environmentally-friendly manufacturing practices. The U.S. Congress has recognize remanufactured parts and components as exemplified by the "Federal Vehicle Repa Act" (S. 565), which directs federal agencies to consider using remanufactured part maintaining federal vehicle fleets. This bill passed the Senate on June 15 and the Ho Representatives on September 28.

Remanufacturing is a standardized industrial process by which previously sold, nonfunctional products are refurbished to a better condition and performance in o resources and reduce waste. The process incorporates technical specifications, incl engineering, quality and testing standards to yield warranted products. In addition remanufactured engines other examples of remanufactured components include: transmissions, alternators, starters, turbochargers, steering and suspension compo electronic control modules. Remanufacturing preserves some of the value of the or manufacturing – including energy costs, investment in capital and labor inputs – w alone cannot do. This process saves about 85 percent of the energy and material us manufacture similar new products.

MEMA has concerns about the NPRM's approach on gliders – particularly the age proposals:

- to define used and remanufactured engines/equipment as "new" engines
- to impose on remanufactured engines the same compliance criteria as ac engines for the year in which it was remanufactured (for all emissions); a
- to assert an earlier compliance timeline of MY2018.

It is important to note that while a remanufactured component can be "manufa to extend the service life, there are constraints as to how much and to what degre a component to meet newer design performance criteria beyond its original desig becomes increasingly more challenging the more complex the component/system the proposed scope of the requirements for remanufactured engines would not o GHG standards, but also all applicable criteria pollutant emissions standards; yet rulemaking is a GHG rule, not for other pollutants. Also, the proposed timeline wo much sooner (by MY2018) than the other compliance requirements (MY2021). T impractical in terms of production planning and the remanufacturing process. Ab proposed rule are the data to demonstrate that the proposal will have a net positi reducing CO2 emissions; nor is there a full evaluation of the cost-benefit impacts will have on rebuilt and remanufactured engines and components. As a result, wh assures that this is not a "ban" of glider kits – the proposed changes have the pote significantly burden and overwhelm the remanufacturing sector.

For all of these reasons, MEMA recommends that the agencies strike and remo additional text from the definition of "new" in part 1068.30 that states: "Note that cases, used and remanufactured engines/equipment may be 'new' engines/equip remanufacturer members of MEMA and MERA are prepared to work with the age practical approach to address the government's concerns while still retaining this industry sector for its intended and legitimate role and purpose. As we represent manufacturers in this space, we anticipate that they will address these and relate more detail in their company comments.

Hi Bill,

We would be happy to discuss this issue of glider kits with you – although we are still in the process of developing MEMA's position. The two proposed times next week are not good for us since we will be traveling. We have an off-site meeting on Thursday from 3-4 and probably won't be back in the office until 4:30. Could we do 4:30 on Thursday (11/30)?

Best,

Laurie Holmes

Senior Director, Environmental Policy

Motor & Equipment Manufacturers Association

1030 15th Street NW, Suite 500 East

Washington, DC 20005

Direct: 202-312-9247

Mobile: 202-422-6182

From: Charmley, William [mailto:charmley.william@epa.gov]

Sent: Monday, November 27, 2017 5:09 PM
To: Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Laurie Holmes <lholmes@mema.org>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the

Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
From: Charmley, William
Sent: Tue 10/24/2017 5:46:25 PM
Subject: Email name to add to the Phase 2 Dear Stakeholder email list from OOIDA

Christy and Cay,

Can we add to our heavy-duty glider stakeholder email list the following person from OOIDA.
I am pretty sure that Scott Grenerth is already on our Phase 2 email list;

Ex. 6 - Personal Privacy

Thanks

Bill

From: Charmley, William
Location: N158, phone Ex. 6 - Personal Privacy
Importance: Normal
Subject: Conference call with Tennessee Tech on Glider Vehicle Emissions Testing Program
Start Date/Time: Tue 11/7/2017 9:00:00 PM
End Date/Time: Tue 11/7/2017 10:00:00 PM
Tennessee Tech Glider Test Letter, June 2017.pdf
Questions from EPA Ann Arbor Staff on June 2017 Glider Test Report.docx

<< November 2, 2017 email from Mr. Brewer >>

Director Charmley ... we would like to schedule Tuesday November 7 from 4-5pm EASTERN Time (3-4pm CENTRAL Time) for our Conference Call .... and the TTU Team will call in to the # you provided below.

The TTU Team is as follows:

Dr Ben Mohr PhD / PE ... College of Engineering / Chair of Civil & Environmental Engineering

Mark Davis ... Academic Support Associate / Faculty Advisor for SAE Formula Car Program

Justin Swafford ... Student ... Masters in Mechanical Engineering

Rachel Martin ... Student ... Masters in Business Administration

Tom Brewer ... Assoc Vice President / Executive Director of the TN Center for Intelligent Mobility

Looking forward to our call

Thanks

Tom Brewer

Assoc VP

Tenn Tech University

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Fri 11/3/2017 4:23:40 PM
Subject: glider NPRM status, including where we have landed on the public hearing location/date

Chris

I wanted to catch-up with you regarding the glider NPRM status.

Tia sent to OIRA at the end of yesterday the document that contained all of the updates from EPA since the first draft was submitted to OIRA. Tia is hearing back from Chad Whitman today, so we know they are working on it.

Regarding the comment period and the public hearing. Tia was able to book a room at EPA. We could not get a room for the week of November 27- December 1, except for Friday, December 1. We also had access to Monday, December 4.

My staff and I would prefer to do the hearing on December 4, and since we will all need to travel to DC, we have settled on December 4. This makes the close of the comment period January 5. Here is the text that is in the draft that OIRA is reviewing right now.

Thanks,

Bill

"**DATES:**

Comments: Comments on all aspects of this proposal must be received on or before January 5, 2018.

Public Hearing: EPA will hold a public hearing on Monday, December 4, 2017. The hearing will be held at EPA's Washington, DC campus located at 1201 Constitution Avenue, NW, Washington, DC. The hearing will start at 10:00 a.m. local time and continue until 5:00 p.m. or until everyone has had a chance to speak. More details concerning the hearing can be found at https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel.

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 10/31/2017 2:45:28 PM
Subject: FW: Glider NPRM update

Fyi. I don't think we have any actions items in relationship to this email at this time.

Bill

From: Hengst, Benjamin
Sent: Tuesday, October 31, 2017 9:24 AM
To: Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Glider NPRM update

From: Gunasekara, Mandy
Sent: Tuesday, October 31, 2017 9:22 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Glider NPRM update

Ex. 5 - Attorney Client

Sent from my iPhone

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have any questions.

Thanks,

Ben

To: Nelson, Brian[nelson.brian@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Fri 1/19/2018 3:12:15 PM
Subject: RE: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Brian –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Nelson, Brian
Sent: Friday, January 19, 2018 9:04 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Bill,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Brian

From: Charmley, William
Sent: Wednesday, January 17, 2018 5:03 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Dear Chuck, Brian, and George –

In the NPRM comments from the Glider Kit Association of America, on page 4 of the comments, is the following paragraph:

The Report is also littered with significant and fatal flaws. First and foremost, t is in stark contrast to the EPA's own data for its four-year phase-in of ultra-low sulfur f EPA's studies and website proclaim that the use of ultra-low sulfur fuel reduces emissi over 90 percent. The Report purports to have used ultra-low sulfur diesel fuel in its tes which of course has been mandated since 2010, but somehow the emissions are compa emissions standards prior to the mandate. These results are impossible to reconcile. Ei Report is flawed or the EPA's multi-year project on low-sulfur fuel is flawed. It seems us which of the two is unreliable.

[6] *Overview of Greenhouse Gases*, United States Environmental Protection Agency, https://www.epa.gov/ghgemissions/overview-greenhouse-gases.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

To: Catherine Boland[cboland@MEMA.ORG]
Cc: Laurie Holmes[lholmes@mema.org]; Ann Wilson[awilson@MEMA.ORG]; Leigh Merino[lmerino@MEMA.ORG]; Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 9:31:13 PM
Subject: RE: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Cathrine –

Yes, that is okay, let's start at 4:40

Thanks

Bill

From: Catherine Boland [mailto:cboland@MEMA.ORG]
Sent: Thursday, November 30, 2017 4:20 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Laurie Holmes <lholmes@mema.org>; Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Re: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Bill,

Our last meeting ran long. Can we start at 4:40? Laurie and I are in a cab heading back to the airport.

Thanks,

Catherine

Catherine Boland

MEMA

301-509-2791 (cell)

On Nov 29, 2017, at 1:13 PM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Laurie,

Let's plan on a call for Thursday from 4:30-5:30.

We can use the following call-in number:

Ex. 6 - Personal Privacy

Best regards,

Bill

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Monday, November 27, 2017 5:40 PM
To: Charmley, William <charmley.william@epa.gov>; Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Catherine Boland <cboland@MEMA.ORG>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Hi Bill,

We would be happy to discuss this issue of glider kits with you – although we are still in the process of developing MEMA's position. The two proposed times next week are not good for us since we will be traveling. We have an off-site meeting on Thursday from 3-4 and probably won't be back in the office until 4:30. Could we do 4:30 on Thursday (11/30)?

Best,

Laurie Holmes

Senior Director, Environmental Policy

Motor & Equipment Manufacturers Association

1030 15th Street NW, Suite 500 East

Washington, DC 20005

Direct: 202-312-9247

Mobile: 202-422-6182

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, November 27, 2017 5:09 PM
To: Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Laurie Holmes <lholmes@mema.org>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. Ex. 6 - Personal Privacy

e-mail: charmley.william@epa.gov

To: Brewer, Tom[TBrewer@tntech.edu]
Cc: Carpenter, Kae[kcarpenter@tntech.edu]; Soni, Bharat[bsoni@tntech.edu]; Wray, Lee[lwray@tntech.edu]
From: Charmley, William
Sent: Thur 1/4/2018 10:35:30 PM
Subject: RE: Tennessee Tech University - Follow Up
Redacted 11-17-17 Email from Tom Brewer with Follow-Up.pdf

Dear Tom,

If it is still possible for EPA to perform outreach to the sponsor of the TTU test program in order to find out if we can make the additional TTU emission test data available to the public, please let me know, as I would be happy to follow-up directly with the sponsor.

In the meantime, EPA's Office of General Counsel , the legal office within EPA, advised my team and I that we should place a redacted version of the TTU data into the public docket. This will make it clear that EPA has such data and we can consider the data in the context of the current glider rulemaking, but that per TTU's request, we are not releasing the detailed emissions test data.

A copy of the information we have placed into the public docket is attached.

Please let me know if you have any questions on this topic, and also your thoughts regarding EPA following up with the sponsor of this research program.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Charmley, William
Sent: Thursday, December 21, 2017 4:49 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

Thank you for this response below regarding the additional test data. I was out of the office last week and I'm still catching up.

Is it possible I could ask the sponsor of the research program if the test data can be made available to the public?

Please let me know your thoughts on this.

Have a peaceful holiday.

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, December 12, 2017 11:25 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Bill …. Thank you for your email.

The document you reference is part of a Sponsored Research project.

Consequently, Tennessee Tech University does not have the authority to grant permission to publish it.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, December 08, 2017 3:22 PM
To: Brewer, Tom <TBrewer@tntech.edu>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

I have attached to this email the spreadsheet that you provided at my request in mid-November which includes the additional NOx and CO data the TTU team collected during your testing of several reman and OEM tractors.

My staff and I would like to place this data into the public docket for our current rulemaking, that is, the proposal EPA issues last month to repeal the current EPA standards that apply to glider tractors. This would make the TTU test data for the additional test modes available for stakeholders to review.

Can you please let us know if that is acceptable to TTU?

Please not that next week, December 11-15, I will not be in the office. If you have any questions you can respond to this mail, and Angela or Brian can follow up with you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Friday, November 17, 2017 3:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Tennessee Tech University - Follow Up

Bill …. Per your request for the TTU Heavy Duty Truck Emissions Field Testing results ….. please see the attached details of the data for the (15) vehicles.

And to follow up from our Conference Call, the minutes you sent for us to review are accurate !

Lastly, TTU is requesting two pieces of information from the EPA :

- Specifications (Cetane Rating etc) for the Fuel used in Emissions Testing at the EPA Ann Abor Lab

- How many / What Make and Model of Glider Kits are you currently testing ?

Thank you so much and don't hesitate contacting me for further information.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Scott Grenerth[Scott_Grenerth@ooida.com]
From: Charmley, William
Sent: Tue 10/24/2017 5:44:29 PM
Subject: RE: Time for a call this week on Glider Vehicles

Scott,

Done.

Also, what is Mike's last name from the call. I know it started with an M, but I didn't catch the whole last name.

Thanks

Bill

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Tuesday, October 24, 2017 1:35 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

Bill,

Nile Elam is the person we'd appreciate adding to the distribution list. Thank you very much and we are looking forward to the follow up in November.

Nile_Elam@ooida.com

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 24, 2017 9:58 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: RE: Time for a call this week on Glider Vehicles

Great, thanks for being able to accommodate this change.

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Tuesday, October 24, 2017 10:17 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

We are good to go for noon Eastern time.

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 24, 2017 8:15 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: RE: Time for a call this week on Glider Vehicles

Dear Scott –

I apologize, but I now have a conflict from 3-4pm today.

Are you available between 12 and 1pm today, or from 4-5pm or 5-6pm?

Thanks

Bill

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Monday, October 23, 2017 12:51 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

We can use our conference call line if you'd like.

Ex. 6 - Personal Privacy

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, October 23, 2017 11:43 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: RE: Time for a call this week on Glider Vehicles

Dear Scott,

Thank you for getting back with me.

Do you have any availability tomorrow, Tuesday, October 24 between 3 and 5pm?

If not I can make 1pm tomorrow work by moving something.

Thanks

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Monday, October 23, 2017 12:08 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

Hello Bill,

I'm sorry for the delayed response this morning. It's been a busy one. Could we chat tomorrow, perhaps around 11am or 1pm Eastern time? We are flexible for other times as well. We are looking forward to providing any feedback we can.

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, October 23, 2017 6:45 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: Time for a call this week on Glider Vehicles

Dear Scott,

Hope you are doing well. You may have seen that this past August, EPA announced that we are going to reconsider the heavy-duty Phase 2 rulemaking provisions for trailers, and also for glider kits, glider engines, and glider vehicles. You can find information on the EPA action at this web site;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel

EPA is now actively working on developing the actions that would follow-up on the August 2017 commitment.

One topic that we are gathering new information on is the market place for gliders. You may recall that during the development of the heavy-duty Phase 2 rule, OOIDA was very helpful in providing EPA with information regarding a range of statistics that help characterize the owner-operator – information on the average age of an owners tractor and trailer, if they were purchased new or used, average purchase price, etc.

Would you have time for a short call today for you and I to catch up on this topic, and explore if a more formal conference call between my staff and I and OOIDA on this topic would be useful?

Thanks for considering this request.

Best regards,

Bill Charmley

EPA

To: Orlin, David[Orlin.David@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Thur 11/2/2017 1:08:21 PM
Subject: Re: Revised draft of glider NPRM

David

Ex. 5 - Deliberative Process; Attorney Client

Thanks
Bill

Sent from my iPhone

On Nov 2, 2017, at 8:31 AM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Baptist, Erik" <baptist.erik@epa.gov>
Date: November 2, 2017 at 8:22:03 AM EDT
To: "Harlow, David" <harlow.david@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Thursday, November 2, 2017 7:50 AM
To: Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Orlin, David
Sent: Wednesday, November 1, 2017 10:57 PM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

David and Erik,

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Harlow, David
Sent: Monday, October 30, 2017 10:32 AM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: Revised draft of glider NPRM

Gentlemen, FYI.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Monday, October 30, 2017 10:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Charmley, William
Sent: Thur 9/21/2017 7:02:33 PM
Subject: RE: Good morning, can you please send any briefing material for the OTAQ general tomorrow on trailers and gliders by 4:00 pm today? Thank you!

We will not have the material before 4pm.

From: Hengst, Benjamin
Sent: Thursday, September 21, 2017 2:49 PM
To: Cyran, Carissa <Cyran.Carissa@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Re: Good morning, can you please send any briefing material for the OTAQ general tomorrow on trailers and gliders by 4:00 pm today? Thank you!

Carissa -- I'm looping in Bill directly. I am not sure we will have materials for tomorrow's meeting by 4 pm today -- that might not be possible. Bill can correct me if I'm wrong. Thanks.
Ben

On Sep 21, 2017, at 10:03 AM, Cyran, Carissa <Cyran.Carissa@epa.gov> wrote:

Carissa Cyran

Office of Air and Radiation

U.S. Environmental Protection Agency
Phone: (202) 564-5437

From: Charmley, William
Location: Dial-In: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: HOLD - legal call on glider NPRM
Start Date/Time: Tue 10/24/2017 2:00:00 PM
End Date/Time: Tue 10/24/2017 3:00:00 PM

To: Bunker, Byron[bunker.byron@epa.gov]
From: Charmley, William
Sent: Mon 8/21/2017 12:59:03 PM
Subject: RE: August 21 (Monday) - Monthly OTAQ/ARB Senior Leadership Coordination

Byron –

Sounds good. I know Mike McCarthy can make it, and if either Mike Carter or Jack Kitowski are available I will do this call, as it would be good to let them know what's going on the topic of the HD Phase 2 trailers and gliders, and I would like to hear more about the upcoming (this week I think) CARB public workshop on heavy-duty trailers.

Thanks

Bill

From: Bunker, Byron
Sent: Monday, August 21, 2017 8:28 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: August 21 (Monday) - Monthly OTAQ/ARB Senior Leadership Coordination

Hi Bill,

I don't have any issues to bring to this group today, but I would be curious to hear your update and will plan to join if the call does happen. Please let me know if I should come to your office or C174 for the call.

Thanks,

Byron

****

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

****

From: Charmley, William
Sent: Friday, August 18, 2017 5:01 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hebert, Annette@ARB <annette.hebert@arb.ca.gov>; jack.kitowski@arb.ca.gov; Carter, Michael@ARB <michael.carter@arb.ca.gov>; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron <bunker.byron@epa.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; McCarthy, Mike@ARB <mmccarth@arb.ca.gov>
Subject: August 21 (Monday) - Monthly OTAQ/ARB Senior Leadership Coordination

Dear all –

Our next monthly call if for this upcoming Monday from 12-1pm pacific, and 3-4pm eastern time.

I am available, and perhaps others from OTAQ, but I know that both Karl and Chris will either be on their way to California or in California for the Asilomar conference, so I don't think they can participate.

If we want to have the call that would be okay from my perspective, I can provide an update regarding the actions EPA has taken recently regarding the light-duty MTE, and then yesterday's actions regarding trailers and gliders.

I would appreciate hearing from others regarding the level of interest and availability for a call on Monday afternoon.

Thanks

Bill

-----Original Appointment-----
From: Grundler, Christopher
Sent: Friday, September 09, 2016 2:50 PM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Charmley, William; Haugen, David; Simon, Karl; Ayala, Alberto@ARB; Hebert, Annette@ARB; jack.kitowski@arb.ca.gov; Carter,

Michael@ARB; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron
Cc: Fuentes, Mark@ARB; McCarthy, Mike@ARB
Subject: Monthly OTAQ/ARB Senior Leadership Coordination **Ex. 6 - Personal Privacy**
When: Monday, August 21, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: C174/Rm 6520

To: Steve Cliff[steve.cliff@arb.ca.gov]; Jack Kitowski[jack.kitowski@arb.ca.gov]; Mike Carter[mcarter@arb.ca.gov]
From: Charmley, William
Sent: Mon 12/4/2017 11:52:32 PM
Subject: CARB testimony from today's EPA Glider hearing

Dear Steve,
I am sorry I didn't arrive today from Ann Arbor in time to hear your testimony.

If you, Jack or Mike have an electronic copy, can one of you please email me a copy?

Thanks
Bill

Sent from my iPhone

Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
To: Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Fri 8/11/2017 11:34:13 AM
Subject: Re: Glider Reconsideration Update - V6.pptx

Ben

Ex. 5 - Deliberative Process; Attorney Client

Thanks
Bill

Sent from my iPhone

> On Aug 10, 2017, at 10:06 AM, Moulis, Charles <moulis.charles@epa.gov> wrote:
>
> Ben,
>
> Attached is the latest on gliders. It should be ready to go to Chris and Sarah.
>

Ex. 5 - Deliberative Process; Attorney Client

> <Glider Reconsideration Update - V6.pptx>

To: Dunham, Sarah[Dunham.Sarah@epa.gov]; Millett, John[Millett.John@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Lewis, Josh[Lewis.Josh@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Fri 10/27/2017 9:12:28 PM
Subject: RE: EPA Glider Testing

Sarah,

Ex. 5 - Deliberative Process

Thanks

Bill

From: Dunham, Sarah
Sent: Friday, October 27, 2017 5:01 PM
To: Charmley, William <charmley.william@epa.gov>; Millett, John <Millett.John@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: EPA Glider Testing

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Friday, October 27, 2017 4:52 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Millett, John <Millett.John@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: EPA Glider Testing

Dear Sarah,

I just spoke with John and I explained the following.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

From: Dunham, Sarah
Sent: Friday, October 27, 2017 4:21 PM
To: Millett, John <Millett.John@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: EPA Glider Testing

Ex. 5 - Deliberative Process

From: Millett, John
Sent: Friday, October 27, 2017 4:19 PM
To: Cook, Leila <cook.leila@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: EPA Glider Testing

Hi Lee – It might be more expedient for Bill to call me, then we can call Liz, so she can get back to the Post.

Thanks!

From: Cook, Leila
Sent: Friday, October 27, 2017 4:16 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: EPA Glider Testing

Sarah,

Bill is here but finishing up a PARs. We know of no instigation for this particular inquiry today. He will call you shortly.

Lee

From: Dunham, Sarah
Sent: Friday, October 27, 2017 3:11 PM

To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: EPA Glider Testing

Anyone know what the context for this post inquiry might be?

From: Bowman, Liz
Sent: Friday, October 27, 2017 3:09 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Millett, John <Millett.John@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: EPA Glider Testing

Do any of you know about "EPA staff conducting their own testing of glider kits at an EPA facility"? This is the first I have heard about it, but the Washington Post is asking, so hoping to provide more information here.

Thank you,

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Moulis, Charles[moulis.charles@epa.gov]; Stout, Alan[stout.alan@epa.gov]
From: Charmley, William
Sent: Thur 11/2/2017 1:02:15 PM
Subject: Re: Revised draft of glider NPRM

Chuck and Alan
I was able to talk with Chuck on the phone, so I think for now I am good on this topic

Ex. 5 - Deliberative Process

Thanks
Bill

Sent from my iPhone

On Nov 2, 2017, at 8:38 AM, Charmley, William <charmley.william@epa.gov> wrote:

Alan and Chuck,

I would like to discuss this with both of you if possible before 10am (an RFS meeting with the political leadership, but where this topic may come up).

I will look for the 2 of you when I get in.

Ex. 5 - Deliberative Process

Thanks
Bill

Sent from my iPhone

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: November 2, 2017 at 8:31:40 AM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>

Subject: Fwd: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Baptist, Erik" <baptist.erik@epa.gov>
Date: November 2, 2017 at 8:22:03 AM EDT
To: "Harlow, David" <harlow.david@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Thursday, November 2, 2017 7:50 AM
To: Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW

Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Orlin, David
Sent: Wednesday, November 1, 2017 10:57 PM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of glider NPRM

David and Erik,

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Harlow, David
Sent: Monday, October 30, 2017 10:32 AM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: Revised draft of glider NPRM

Gentlemen, FYI.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Monday, October 30, 2017 10:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Thur 9/21/2017 7:01:53 PM
Subject: HD glider/trailer briefing for leadership is tomorrow morning at 9:30 in C174

Cay, Chuck and Kathryn,

The briefing for Mandy and perhaps others on Friday is at 9:30am. I would like anyone who is working tomorrow to come. If tomorrow is your flex day I am certainly not asking anyone to come for this.

Thanks

Bill

To: GKedzie@trucking.org[GKedzie@trucking.org]
From: Charmley, William
Sent: Thur 11/9/2017 8:52:08 PM
Subject: Re: Here is ATA's quote you will be seeing soon from me. Feel free to share with Chris. Our FEAC voted unanimously to support leaving the rule as-is, including ramping down the glider kit industry. I am free to talk now since I have the support of o...

Dear Glen
Thank you for this note. I had been meaning to call you since the ATA management meeting in Florida a few weeks ago to see what support we can provide on this topic to keep ATA informed.

Did you see the quote last week in HD Trucking from the CEO of Daimler Trucks North America, Roger Nielsen. In it Daimler-Freightliner basically says that independent of the outcome of EPAs reconsidering the Glider regulations, DTNA is not going backwards, they support the Phase 2 rule, including the approach to gliders, and they will not go back to producing high volumes of Glider kits.

I have tomorrow off, but I would like to catch up with you on this topic.

In addition, I would like to discuss having our office Director meet with Chris Spears in the next month or 2, to discuss SmartWay, the Phase 2 final rule and it's implementation, and the topic of HD NOx.

Best regards,

Bill

On Nov 9, 2017, at 3:42 PM, Glen Kedzie <GKedzie@trucking.org> wrote:

… members. The timing did not work out so good though.

"ATA is disappointed in EPA's decision to modify the glider kit provisions under the Phase 2 Rule. ATA members have a long-storied record of supporting clean engine technologies, improving efficiencies, and becoming more sustainable. Our close work with EPA on the Phase 2 Rule demonstrated that regulations based on sound data, science, and compromise are superior to those developed in a vacuum. The agency's position supporting the continued growth of the glider kit industry that produces the highest emitting equipment on our nation's highways is perplexing."

Glen P. Kedzie, Vice President

Energy & Environmental Affairs Counsel

American Trucking Associations, 950 North Glebe Road, Suite 210, Arlington, VA 22203

☎ Phone 703.838.1879 | ☎ Cellular 703.627.0479 | Fax 703.838.1748 | ✉ gkedzie@trucking.org

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From: Charmley, William
Location: Dial-In: (20 Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: HOLD for Glider NPRM briefing with OMB
Start Date/Time: Mon 10/23/2017 8:00:00 PM
End Date/Time: Mon 10/23/2017 9:00:00 PM

To: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Charmley, William
Sent: Tue 8/15/2017 7:16:55 PM
Subject: RE: HD petition response letters

Tia –

That's right, I forgot we already have the addresses for the glider folks in the draft response letter

Mr. Tommy C. Fitzgerald, President

Fitzgerald Glider Kits

1225 Livingston Highway

Birdstown, Tennessee 38549

Mr. Dustin Petersen

Harrison Truck Centers, Inc.

200 Dekko Drive

Avilla, Indiana 46710

Mr. Dane Keener

Indiana Phoenix, Inc.

3601 Adventureland Drive

Altoona, Iowa 50009

From: Sutton, Tia
Sent: Tuesday, August 15, 2017 3:14 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: HD petition response letters

Thanks, Bill, sounds good. I can check with Tanya on what's easier (her sending vs. Joe) and what addresses we have – we should have the addresses of at least those who sent the letters to us (in the control instructions).

From: Charmley, William
Sent: Tuesday, August 15, 2017 3:11 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: HD petition response letters

Tia –

Thanks, that helps.

Then I am fine with doing this. We will find physical addresses for Tommy Fitzgerald (Fitzgerald), Dustin Petersen (Shareholder, Harrison Truck Centers) , and Dane Keener (Indiana Phoenix).

We can both mail and email the letter to TTMA/Jonathan Miller. I can send the email.

Do you want us to do the physical mailing from Ann Arbor?

Thanks

Bill

From: Sutton, Tia
Sent: Tuesday, August 15, 2017 3:01 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: HD petition response letters

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Tuesday, August 15, 2017 2:52 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: HD petition response letters

Ben –

Ex. 5 - Deliberative Process

Feel free to give me a call on this.

Thanks

Bill

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 1:48 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: HD petition response letters

Hi folks—

I spoke this morning with Mandy and Brittany about next steps on the two HD petition response letters (gliders and trailers). Here's what I know:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Ben

To: Scott_Grenerth@ooida.com[Scott_Grenerth@ooida.com]
From: Charmley, William
Sent: Mon 10/23/2017 11:45:07 AM
Subject: Time for a call this week on Glider Vehicles

Dear Scott,

Hope you are doing well. You may have seen that this past August, EPA announced that we are going to reconsider the heavy-duty Phase 2 rulemaking provisions for trailers, and also for glider kits, glider engines, and glider vehicles. You can find information on the EPA action at this web site;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel

EPA is now actively working on developing the actions that would follow-up on the August 2017 commitment.

One topic that we are gathering new information on is the market place for gliders. You may recall that during the development of the heavy-duty Phase 2 rule, OOIDA was very helpful in providing EPA with information regarding a range of statistics that help characterize the owner-operator – information on the average age of an owners tractor and trailer, if they were purchased new or used, average purchase price, etc.

Would you have time for a short call today for you and I to catch up on this topic, and explore if a more formal conference call between my staff and I and OOIDA on this topic would be useful?

Thanks for considering this request.

Best regards,

Bill Charmley

EPA

To: Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Tue 9/19/2017 12:49:53 PM
Subject: Fwd: Friday briefing with Mandy on gliders/trailers

You might miss some fun. When are you back in DC?

I am doing a one day trip to Chicago today to speak at SAE commercial vehicle conference. I will try to call you later today, around 3pm your time.

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: September 19, 2017 at 8:41:56 AM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Charmley, William" <charmley.william@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: Re: Friday briefing with Mandy on gliders/trailers

Yes. I'll put this on our OTAQ General with Sarah agenda.

On Sep 19, 2017, at 8:35 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Yes OGC needs to be part of the discussion

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Sep 19, 2017, at 8:26 AM, Charmley, William <charmley.william@epa.gov> wrote:

I just spoke to Chris and brought this topic to his attention.

I think we will need some time on Thursday with both Chris and Sarah (1 meeting). I know that David is out, so it would be helpful if Mark was available. Maybe Lorie as well?

Ben - can we use part of the OTAQ general on Thursday at 11am to discuss this topic?

I will let you and Chris and David figure out if we want Mark K or Lorie S at that discussion.

Thanks
Bill

Sent from my iPhone

On Sep 18, 2017, at 3:44 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Bill, Chris:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ben

To: Simon, Karl[Simon.Karl@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Haley, Mike[Haley.Mike@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Thur 6/22/2017 11:50:15 PM
Subject: Re: what happened with Jason Gray?

Ex. 5 - Deliberative Process

That was about it

Sent from my iPhone

On Jun 22, 2017, at 5:01 PM, Simon, Karl <Simon.Karl@epa.gov> wrote:

Ex. 5 - Deliberative Process

Driving Innovation in Clean Transportation

On Jun 22, 2017, at 9:49 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]
From: Charmley, William
Sent: Tue 10/17/2017 9:22:30 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Chuck, Cay and Christy –

Thanks for all of your work on this topic over the past few weeks. I know we have changed course a number of times.

It's good that we have the draft NPRM into the leadership's hands today.

Bill

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 4:24 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is a version without the OGC redline.

From: Charmley, William
Sent: Tuesday, October 17, 2017 4:16 PM
To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

David and Chuck -

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Orlin, David
Sent: Tuesday, October 17, 2017 4:04 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 3:54 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ben,

Ex. 5 - Deliberative Process; Attorney Client

From: Sutton, Tia
Sent: Tuesday, October 17, 2017 3:12 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 11:48 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is the latest version of the glider rule. Note that it still includes edits that need to be accepted or rejected.

To: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Thur 1/4/2018 9:07:44 PM
Subject: RE: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Christy,

This will work. Let's see when they actually get scheduled, and based on that we can decide about a pre-brief with Chris. I am not too worried about a pre-brief for the first briefing, but I

Ex. 5 - Deliberative Process

Thanks

Bill

From: Parsons, Christy
Sent: Thursday, January 04, 2018 4:06 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Thanks Bill. I just sent two meeting request forms to Gwen Stewart for the 2 future briefings.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Christy

From: Charmley, William
Sent: Thursday, January 04, 2018 4:01 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Dear Chuck, Christy and Brian –

Ex. 5 - Deliberative Process

Thanks

Bill

\

To: Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Tue 10/24/2017 3:04:53 PM
Subject: RE: Glider Cert Report Examples (Contains CBI)

Christy,

Thanks, this helps me understand the kind of information CD is getting, and I do think it will be helpful for us to have a summary of this information.

Bill

From: Parsons, Christy
Sent: Tuesday, October 24, 2017 9:40 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Glider Cert Report Examples (Contains CBI)

Ex. 5 - Deliberative Process

Christy

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: 734.214.4243

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does construe it otherwise, please notify me immediately so that proper contract action can be initiated.

To: Brewer, Tom[TBrewer@tntech.edu]
From: Charmley, William
Sent: Tue 11/7/2017 7:36:01 PM
Subject: Technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions
Questions from EPA Ann Arbor Staff on June 2017 Glider Test Report.docx

Dear Mr. Brewer -

My staff and I are looking forward to the call this afternoon with all of you.

To help guide the discussion, below are the questions we have which will allow us to better understand the emissions test data that EPA has been provided regarding the Tennessee Tech glider testing program. I have also included the same questions in the attached document.

Participating on the call today for EPA will be:

- Angela Cullen, Director, Data and Testing Center, Assessment and Standards Division
- Chuck Moulis, Engineer, Heavy-duty On-Road and Non-road Center, Assessment and Standards Division
- George Mitchel, Engineer, Heavy-duty On-Road and Non-road Center, Assessment and Standards Division
- James Sanchez, Engineer, Data and Testing Center, Assessment and Standards Division
- Bill Charmley, Director, Assessment and Standards Division

Angela's background is BS/MS in material science engineering, Chuck is BS mechanical engineer/MS civil engineer, George is BS/MS mechanical engineering, James I believe is BS/MS mechanical engineer, and my background is BS physics/MS atmospheric science.

Sincerely,

Bill Charmley

Questions from EPA Ann Arbor Staff on June 2017 Test Report

Test Laboratory & Test Equipment

1. The June 2017 letter discussed both a facility operated by Tennessee Tech, and also facilities operated by Oak Ridge National Laboratory. What facility(s) were used for the emissions testing program?

2. Please describe the engine or vehicle dynamometer type used

3. What approach was used for collecting gaseous emissions?

•□□□□□□□□ Raw, dilute? Constant Volume Sampling system, other?

4. What emissions analyzer equipment was used for CO2, CO, NOx, THC, other gaseous measurements?

5. What emissions equipment was used to sample particulate matter

•□□□□□□□□ Mass based filter? What size and type of filters were used?

•□□□□□□□□ PM filter weighting room specifications and mass scale equipment?

Test Procedures & Test Cycles

6. What laboratory procedures were used for this test program? For example, test procedures specified by the Society of Automotive Engineers, the International Standards Organization, US EPA engine-vehicle emissions test procedures, internal Tennessee Tech test procedures?

7. What vehicle or engine test cycles (duty cycles) were used for the test program?

•□□□□□□□□ Were both engine/vehicle cold-starts and hot-start tests performed?

8. How were vehicle road-load coefficients determined for vehicle testing, and what were the values used?

Test Articles (the vehicles)

9. Is information available for each of the test articles regarding engine and vehicle mileage and age?

10. Are the NOx emission levels associated with each test article reported in the June 2017 letter available?

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Thursday, November 02, 2017 7:36 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Re: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Director Charmley ... we would like to schedule Tuesday November 7 from 4-5pm EASTERN Time (3-4pm CENTRAL Time) for our Conference Call .... and the TTU Team will call in to the # you provided below.

The TTU Team is as follows:

Dr Ben Mohr PhD / PE ... College of Engineering / Chair of Civil & Environmental Engineering

Mark Davis ... Academic Support Associate / Faculty Advisor for SAE Formula Car Program

Justin Swafford ... Student ... Masters in Mechanical Engineering

Rachel Martin ... Student ... Masters in Business Administration

Tom Brewer ... Assoc Vice President / Executive Director of the TN Center for Intelligent Mobility

Looking forward to our call

Thanks

Tom Brewer

Assoc VP

Tenn Tech University

Sent from my iPad

On Nov 1, 2017, at 12:15 PM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Mr. Brewer,

Thank you for the response to my request from yesterday.

Below are several options available for myself and my staff. All times are eastern. I think an hour will be enough, and we can always decide if additional follow-up would be helpful.

Friday, November 3

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-4pm

Monday, November 6

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-3pm

Tuesday, November 7

- □□□□□□□□ 10am-11am
- □□□□□□□□ 3-5pm

Please let me know if there is an option among these that will work for the Tennessee Tech team. After Tuesday of next week I will be on travel for the rest of the week. I can look for additional dates and times the week of November 13 if the options above don't work.

We can use the following conference call number for our discussion:

Conference phone # Ex. 6 - Personal Privacy

Code Ex. 6 - Personal Privacy

I will have between 3 and 4 members of my team with me, and once we select the date and time I can send you the names of the EPA participants.

Sincerely,

Bill Charmley

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Wednesday, November 01, 2017 9:26 AM

To: Charmley, William <charmley.william@epa.gov>
Cc: Oldham, Philip <poldham@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Saltsman, Terry <tsaltsman@tntech.edu>; Wray, Robert Lee <lwray@tntech.edu>
Subject: RE: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Director Charmley … The TTU Team certainly looks forward to talking with you and your staff as to the Protocols and Outcomes from the Class 8 Heavy Duty Glider Kit Emissions Testing.

Could you please provide me with some available times & dates for you within the next week or so and I will coordinate our group as appropriate.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

<image001.jpg>

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 31, 2017 10:38 AM
To: Brewer, Tom <TBrewer@tntech.edu>; Oldham, Philip <poldham@tntech.edu>
Subject: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

October 31, 2017

To: President Philip B. Oldham, President

Tennessee Technological University

Thomas Brewer, Associate Vice President

Center for Intelligent Mobility

Tennessee Technological University

Dear President Oldham and Associate Vice President Brewer:

My staff and I are interested in learning more about the emissions testing program of highway heavy-duty glider vehicles that Tennessee Tech has performed. We understand that the University undertook a testing program to evaluate the emissions performance of glider vehicles based on a June 15, 2017 Tennessee Tech letter that was included in a petition from several glider vehicle assemblers to the Environmental Protection Agency (EPA).

In response to that petition, this past August, EPA Administrator Pruitt announced that EPA is revisiting EPA's regulatory treatment of highway heavy-duty glider vehicles (a copy of the Administrator's letter on this topic is available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel). Based on the Administrator's decision to revisit the existing EPA regulations that apply to glider vehicles, we are looking for additional information on the emissions performance of glider vehicles. In addition, this information may be useful for efforts to improve the forecasting accuracy of EPA's emissions modeling (information on the official EPA mobile emissions model is available at: https://www.epa.gov/moves). As such, we would greatly appreciate an opportunity to learn more about the emissions testing program conducted by Tennessee Tech University.

I would like to arrange a conference call between the principal investigator(s) of the Tennessee Tech glider vehicle test program and my staff to gather additional information on the program your University has performed. Can you please let me know if such an initial call could be arranged, and who I could contact at Tennessee Tech to follow up on this topic?

Sincerely,

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Stout, Alan[stout.alan@epa.gov]
From: Charmley, William
Sent: Tue 1/9/2018 5:38:15 PM
Subject: FW: Current Gliders' Compliance with CAA Rebuild Requirements

Dear Brian, Chuck and Alan,

Please see this email request below from Chris, and Byron's response.

Brian – if you could reach out to Alan D. in the next few days to find out how we can support this request that would be great.

Thanks

Bill

From: Bunker, Byron
Sent: Tuesday, January 09, 2018 11:51 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Haugen, David <haugen.david@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>
Subject: RE: Current Gliders' Compliance with CAA Rebuild Requirements

We will take the lead to get the group organized and come back to you on this.

Thanks,

Byron

****

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

****

From: Grundler, Christopher
Sent: Tuesday, January 09, 2018 11:20 AM
To: Bunker, Byron <bunker.byron@epa.gov>; Haugen, David <haugen.david@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>
Subject: Current Gliders' Compliance with CAA Rebuild Requirements

Colleagues:

Ex. 5 - Deliberative Process

Pls decide who among you has the lead on this question and convene the four of us to discuss once you feel you have solid information.

Thanks,

Chris

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Angela Cullen[Cullen.Angela@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Mon 10/23/2017 11:38:19 AM
Subject: Questions we would like to ask Tennesse Tech regarding their emissions testing report

Dear Angela and George –

I would like to reach out to Tennessee Tech in the next week or so to find out more about their glider emissions testing program.

Ex. 5 - Deliberative Process

Thanks

Bill

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 9:18:30 PM
Subject: Heads up for AA Wehrum, Mandy, David H. on the glider hearing

Chris,

Reflecting on the comment you shared regarding seamless execution from this morning – if you have not already done so, I think you should send AA Wehrum a short heads up on Monday's glider hearing.

Here is a draft.

DRAFT

To: Bill Wehrum

Cc: Mandy G., David H.

Dear Bill,

As an fyi, this upcoming Monday, December 4 we are holding the public hearing for EPA's recent proposal to rescind the heavy-duty glider provisions.

The hearing will be held at the EPA headquarters in D.C. Several of the OTAQ staff from D.C. and Ann Arbor will run the hearing. Kathryn Sargeant and Bill Charmley will be the presiding officers, and we will also have David Orlin and/or Mark Kataoka from OGC attending.

As of today there are 60 testifiers signed up, from a wide range of stakeholders: truck dealerships, rebuilders, truck OEMs, industry trade groups, state/local government agencies, public health NGOs, environmental NGOs, and a number of private citizens.

Later in December, or after the close of the public comment period (January 5), we can give you a briefing on the rulemaking and the public comments.

Chris

To: Scott Grenerth[Scott_Grenerth@ooida.com]
From: Charmley, William
Sent: Tue 10/24/2017 2:57:44 PM
Subject: RE: Time for a call this week on Glider Vehicles

Great, thanks for being able to accommodate this change.

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Tuesday, October 24, 2017 10:17 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

We are good to go for noon Eastern time.

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 24, 2017 8:15 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: RE: Time for a call this week on Glider Vehicles

Dear Scott –

I apologize, but I now have a conflict from 3-4pm today.

Are you available between 12 and 1pm today, or from 4-5pm or 5-6pm?

Thanks

Bill

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Monday, October 23, 2017 12:51 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

We can use our conference call line if you'd like.

Ex. 6 - Personal Privacy

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, October 23, 2017 11:43 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: RE: Time for a call this week on Glider Vehicles

Dear Scott,

Thank you for getting back with me.

Do you have any availability tomorrow, Tuesday, October 24 between 3 and 5pm?

If not I can make 1pm tomorrow work by moving something.

Thanks

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]

Sent: Monday, October 23, 2017 12:08 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Time for a call this week on Glider Vehicles

Hello Bill,

I'm sorry for the delayed response this morning. It's been a busy one. Could we chat tomorrow, perhaps around 11am or 1pm Eastern time? We are flexible for other times as well. We are looking forward to providing any feedback we can.

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, October 23, 2017 6:45 AM
To: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: Time for a call this week on Glider Vehicles

Dear Scott,

Hope you are doing well. You may have seen that this past August, EPA announced that we are going to reconsider the heavy-duty Phase 2 rulemaking provisions for trailers, and also for glider kits, glider engines, and glider vehicles. You can find information on the EPA action at this web site;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel

EPA is now actively working on developing the actions that would follow-up on the August 2017 commitment.

One topic that we are gathering new information on is the market place for gliders. You may recall that during the development of the heavy-duty Phase 2 rule, OOIDA was very helpful in providing EPA with information regarding a range of statistics that help characterize the owner-operator – information on the average age of an owners tractor and trailer, if they were purchased new or used, average purchase price, etc.

Would you have time for a short call today for you and I to catch up on this topic, and explore if a more formal conference call between my staff and I and OOIDA on this topic would be useful?

Thanks for considering this request.

Best regards,

Bill Charmley

EPA

To: Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 5:51:57 PM
Subject: RE: Current version of Glider NPRM

Tia –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Sutton, Tia
Sent: Tuesday, November 07, 2017 11:21 AM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Current version of Glider NPRM

Hi all,

Here's the working version of the Glider NPRM that we should use for any additional edits from here on out.

Ex. 5 - Deliberative Process; Attorney Client

Ben or Dave – please jump in if there's anything I missed!

-Tia

To: Flint, Steven (DEC)[steven.flint@dec.ny.gov]
From: Charmley, William
Sent: Thur 11/9/2017 7:51:46 PM
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Dear Steve,

2 things on this topic.

First, in the past two months we have been able to perform detailed emissions testing of glider vehicles at the Ann Arbor laboratory. I am hopeful we will be able to put a technical memo documenting those results into the docket for the Phase 2 rule within the next 1-2 weeks. That will help shed some light on the subject of the emissions from gliders.

Second – we recently had a call with Tennessee Tech to discuss their test program that as very helpful. I think we will be able to shed more light on that test program in the next few weeks and also docket that information for the public.

Thanks

Bill

From: Flint, Steven (DEC) [mailto:steven.flint@dec.ny.gov]
Sent: Thursday, November 09, 2017 2:00 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Bill- I'm missing something.

In the petition from Fitzgerald et al there is an appendix from Tennessee Tech about emissions testing. While there are statements about NOx, NOx does not appear in the Table. Is there a more complete document somewhere, because I would like to see actual NOx numbers, as well as test procedures and methodology (eg, a statement that PM is below detection limits is worthless unless the detection limit is identified)

thanks

Steven E. Flint, PE

Director, Division of Air Resources

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-3250

P: (518) 402-8452 | F: (518) 402-9035 | steven.flint@dec.ny.gov

www.dec.ny.gov | | |

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, November 09, 2017 12:57 PM
Subject: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Highway Heavy-duty Stakeholder;

Today EPA Administrator Pruitt signed the Notice of Proposed Rulemaking titled

"*Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*". You can find information regarding this proposed rule at the following website;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks

EPA is opening a public comment period on the proposed rule which extends until January 5, 2018. EPA will also hold a public hearing on the proposal on Monday, December 4, 2017.

Information on how to submit public comments, as well as information on the public hearing, are detailed in the proposed rule. A pre-Federal Register publication version of the proposed rule is available at the website listed above.

Sincerely,

Bill Charmley

US EPA

To: Hebert, Annette@ARB[annette.hebert@arb.ca.gov]
From: Charmley, William
Sent: Fri 8/18/2017 11:08:46 PM
Subject: Re: August 21 (Monday) - Monthly OTAQ/ARB Senior Leadership Coordination

Awesome. I hope you have a great experience on Monday.

Bill

Sent from my iPhone

On Aug 18, 2017, at 6:24 PM, Hebert, Annette@ARB <annette.hebert@arb.ca.gov> wrote:

I am actually on vacation up in Oregon for the Solar Eclipse and may be on the road to Asilomar myself, so not likely to tie into a meeting that day.

Annette Hébert, Chief

Emissions Compliance, Automotive Regulations and Science (ECARS) Division

California Air Resources Board

(626)450-6150

ahebert@arb.ca.gov

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, August 18, 2017 2:01 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hebert, Annette@ARB <annette.hebert@arb.ca.gov>; Kitowski, Jack@ARB <jack.kitowski@arb.ca.gov>; Carter, Michael@ARB <michael.carter@arb.ca.gov>; Corey, Richard@ARB <richard.corey@arb.ca.gov>; Bevan, Analisa@ARB <analisa.bevan@arb.ca.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; Bunker, Byron <bunker.byron@epa.gov>; Fuentes, Mark@ARB <mfuentes@arb.ca.gov>; McCarthy, Mike@ARB <michael.mccarthy@arb.ca.gov>

Subject: August 21 (Monday) - Monthly OTAQ/ARB Senior Leadership Coordination

Dear all –

Our next monthly call if for this upcoming Monday from 12-1pm pacific, and 3-4pm eastern time.

I am available, and perhaps others from OTAQ, but I know that both Karl and Chris will either be on their way to California or in California for the Asilomar conference, so I don't think they can participate.

If we want to have the call that would be okay from my perspective, I can provide an update regarding the actions EPA has taken recently regarding the light-duty MTE, and then yesterday's actions regarding trailers and gliders.

I would appreciate hearing from others regarding the level of interest and availability for a call on Monday afternoon.

Thanks

Bill

-----Original Appointment-----
From: Grundler, Christopher
Sent: Friday, September 09, 2016 2:50 PM
To: Grundler, Christopher; Cook, Leila; Hengst, Benjamin; Charmley, William; Haugen, David; Simon, Karl; Ayala, Alberto@ARB; Hebert, Annette@ARB; jack.kitowski@arb.ca.gov; Carter, Michael@ARB; richard.corey@arb.ca.gov; analisa.bevan@arb.ca.gov; mark.fuentes@arb.ca.gov; Bunker, Byron
Cc: Fuentes, Mark@ARB; McCarthy, Mike@ARB
Subject: Monthly OTAQ/ARB Senior Leadership Coordination Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy
When: Monday, August 21, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: C174/Rm 6520

To: awilson@mema.org[awilson@mema.org]; lmerino@mema.org[lmerino@mema.org]; lholmes@mema.org[lholmes@mema.org]
Cc: Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Mon 11/27/2017 10:09:24 PM
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members

MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Mitchell, George[Mitchell.George@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Laroo, Chris[laroo.chris@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Fri 11/17/2017 7:18:49 PM
Subject: RE: Mitchell, George shared "EPA_TTU_Memo_11072017" with you.

Dear George,

I did not hear anything back today from TTU regarding the draft of the memo that I sent to them.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Charmley, William
Sent: Tuesday, November 14, 2017 9:00 AM
To: Mitchell, George <Mitchell.George@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: RE: Mitchell, George shared "EPA_TTU_Memo_11072017" with you.

George,

Thanks for sending this update. I have sent a draft of the memo to Tom Brewer at TTU and asked for comments by noon on Friday. I will send around any comments I receive, and then you can finalize this memo, bundle the memo and the attachments as a single document, and submit this to the Phase 2 docket.

Bill

From: Mitchell, George
Sent: Monday, November 13, 2017 11:09 AM
To: Charmley, William <charmley.william@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: RE: Mitchell, George shared "EPA_TTU_Memo_11072017" with you.

Bill,

Attached is a clean draft copy of the memo for TTU comments. I have also included the 4 proposed attachments.

Regards,

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Charmley, William
Sent: Monday, November 13, 2017 6:07 AM
To: Mitchell, George <Mitchell.George@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: RE: Mitchell, George shared "EPA_TTU_Memo_11072017" with you.

Dear George and everyone;

I have added my suggested edits, and comments, to the draft Memo on one drive.

Note that I am suggesting that when this memo is finalized, we include several attachments, and bundle this Memo as a single PDF.

My 4 suggested attachments are included with this email.

Once everyone has commented, if George can send me a clean copy as a draft I will email it to the folks at Tennessee Tech and ask for their comments, and then we can place this in the Phase 2 docket.

Thanks

Bill

From: Mitchell, George
Sent: Thursday, November 09, 2017 12:30 PM
To: Sanchez, James <sanchez.james@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: Mitchell, George shared "EPA_TTU_Memo_11072017" with you.

Tennessee Tech phone call. My notes summarized in a memo. Please edit.

This link only works for the direct recipients of this message.

EPA_TTU_Memo_11072017

Last modified 11/9/2017 12:25:48 PM

Open

Microsoft OneDrive

Microsoft respects your privacy. To learn more, please read our Privacy Statement.
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

To: Scott Grenerth[Scott_Grenerth@ooida.com]
From: Charmley, William
Sent: Thur 12/28/2017 3:24:58 PM
Subject: RE: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Scott –

I just tried again. All of EPA is moving to Microsoft one-drive over the coming year to help reduce costs, and I started the process yesterday. I think I sent you a link to a file, rather than the actual file.

I hope you are having a good break.

Bill

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Thursday, December 28, 2017 9:55 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Bill,

Thank you for sharing the document, but unfortunately we cannot view it. Can you send it as an attachement? Currently it's asking for a log in using an account, which we don't have.

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, December 28, 2017 5:55 AM
To: Thomas Weakley <Tom_Weakley@ooida.com>; Scott Grenerth <Scott_Grenerth@ooida.com>; Nile Elam <Nile_Elam@ooida.com>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Charmley, William has shared a OneDrive for Business file with you. To view it, click the link below.
Draft EPA_OOIDA_Memo_11142017, Dec 28 draft.doc

Dear Scott, Tom and Nile,

Thank you again to each of you for the time you spent on the phone with EPA on November 14, and for the follow-up information which Tom sent below.

We have drafted a memo to summarize the conference call which is attached. We will be putting the final version of this memo into the EPA public docket for the EPA glider reconsideration rulemaking.

Can you please review this draft and let us know if there is anything we missed from the November 14 call?

In addition, we would like to make the information that Tom provided from both the OOIDA

members survey, and the 2017 Land Line survey, available by placing those in the EPA public docket as well. Please let us know if you have any concerns with that.

If you could provide us with any comments on this by the end of next week that would be great.

I hope you all have a good New Year.

Best regards,

Bill Charmley

From: Thomas Weakley [mailto:Tom_Weakley@ooida.com]
Sent: Tuesday, November 14, 2017 3:29 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: OOIDA Surveys

A whole lot more information than you need but a good profile of who the owner-operator is. I am also attaching the survey done for our marketing department for the magazine LandLine (Our magazine) with an articulated circulation of over 220,000. Not all of these respondents are members of OOIDA but they are the ones that ask about glider preference. Unfortunately they do not ask what regions of the country the respondents are from like we do so we are unable to drill down and give you the answer as to which regions are more likely to look at glider kits. I highlighted the landline Survey questions and answers that are pertinent.

Thomas Weakley

Director of Operations, Foundation

OOIDA Foundation

OOIDA Foundation, Inc.

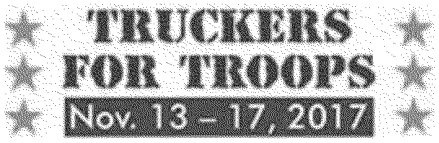
Toll Free 800-444-5791

Local 816-229-5791

Fax

Ext. 1123

tom_weakley@ooida.com



Please consider the environment before printing this e-mail.

This message contains confidential information. Unless you are the addressee or authorized to receive confidential information for the addressee, you may not retain, copy, use, or distribute this information. If you have received this message in error, please delete it and advise the sender immediately.

From: Charmley, William
Location: N158
Importance: Normal
Subject: Hold - Glider Test Program Call with Tennesee Tech
Start Date/Time: Tue 11/7/2017 9:00:00 PM
End Date/Time: Tue 11/7/2017 10:00:00 PM

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 9:08:27 PM
Subject: Monday's Glider hearing
Hearing Panels v3.xlsx

Chris –

This is an update from my note yesterday regarding testifiers for the glider hearing.

As of now, we have exactly 60 people signed up.

The main changes I see from what I sent you yesterday are two additions;

- Congressman Jamie Raskin, Representing Maryland's 8th District
- Wayne Nastri, SCAQMD

Congressman Raskin also came to the September MTE public hearing.

Thanks

Bill

To: Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Thur 12/28/2017 3:22:33 PM
Subject: RE: For Review: Draft Briefing Materials on Gliders for Bill W. (no briefing date yet)

Dear all –

I started reviewing/editing and commenting on the draft this morning. I won't get back to this until Friday morning.

Ex. 5 - Deliberative Process

I don't know how to do review very well in power point, but I did add a few comments using the comment field, or by inserting text and highlighting it in color in the draft.

Thanks

Bill

From: Parsons, Christy
Sent: Monday, December 11, 2017 2:24 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: For Review: Draft Briefing Materials on Gliders for Bill W. (no briefing date yet)

Hi Bill and Kathryn,

Ex. 5 - Deliberative Process

My understanding is that we don't yet have a date for this briefing, but likely want to have the materials ready for a discussion later this month or next.

If any additional information would be useful, then please don't hesitate to ask.

Best,

Christy

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: 734.214.4243

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does construe it otherwise, please notify me immediately so that proper contract action can be initiated.

To: Moulis, Charles[moulis.charles@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Nelson, Brian[nelson.brian@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Thur 1/4/2018 8:58:39 PM
Subject: RE: Tennessee Tech University - Follow Up

Ok, I'll still send them an email to let them know.

Thanks

Bill

From: Moulis, Charles
Sent: Thursday, January 04, 2018 3:56 PM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David
Sent: Thursday, January 04, 2018 3:55 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Ex. 5 - Deliberative Process; Attorney Client

thanks

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, January 04, 2018 3:53 PM
To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Is this acceptable to everyone?

Thanks

Bill

From: Orlin, David
Sent: Thursday, January 04, 2018 2:41 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, January 04, 2018 2:32 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Tennessee Tech University - Follow Up

Dear all –

I apologize for not having sent this email exchange below around before the holiday break, it was on my to do list.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Charmley, William
Sent: Thursday, December 21, 2017 4:49 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

Thank you for this response below regarding the additional test data. I was out of the office last week and I'm still catching up.

Is it possible I could ask the sponsor of the research program if the test data can be made available to the public?

Please let me know your thoughts on this.

Have a peaceful holiday.

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, December 12, 2017 11:25 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Carpenter, Kae <kcarpenter@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Wray, Lee <lwray@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

Bill …. Thank you for your email.

The document you reference is part of a Sponsored Research project.

Consequently, Tennessee Tech University does not have the authority to grant permission to publish it.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, December 08, 2017 3:22 PM
To: Brewer, Tom <TBrewer@tntech.edu>

Cc: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Tennessee Tech University - Follow Up

Dear Tom,

I have attached to this email the spreadsheet that you provided at my request in mid-November which includes the additional NOx and CO data the TTU team collected during your testing of several reman and OEM tractors.

My staff and I would like to place this data into the public docket for our current rulemaking, that is, the proposal EPA issues last month to repeal the current EPA standards that apply to glider tractors. This would make the TTU test data for the additional test modes available for stakeholders to review.

Can you please let us know if that is acceptable to TTU?

Please not that next week, December 11-15, I will not be in the office. If you have any questions you can respond to this mail, and Angela or Brian can follow up with you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Friday, November 17, 2017 3:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Tennessee Tech University - Follow Up

Bill …. Per your request for the TTU Heavy Duty Truck Emissions Field Testing results ….. please see the attached details of the data for the (15) vehicles.

And to follow up from our Conference Call, the minutes you sent for us to review are accurate !

Lastly, TTU is requesting two pieces of information from the EPA :

- Specifications (Cetane Rating etc) for the Fuel used in Emissions Testing at the EPA Ann Abor Lab

- How many / What Make and Model of Glider Kits are you currently testing ?

Thank you so much and don't hesitate contacting me for further information.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Thur 8/24/2017 6:31:12 PM
Subject: Re: Transport Topics (ddl Wed COB): HD2

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

> On Aug 24, 2017, at 11:25 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:
>

Ex. 5 - Deliberative Process; Attorney Client

To: Brewer, Tom[TBrewer@tntech.edu]
From: Charmley, William
Sent: Tue 11/14/2017 1:57:20 PM
Subject: RE: Tennessee Tech Univ - Follow Up

Dear Tom –

Below is a draft summary of the conference call from last week. We will be placing a summary of what we learned regarding the TTU test program into EPA's public docket for the heavy-duty glider rulemaking.

If you and your colleagues have the opportunity to review this for accuracy and can provide me with any suggested comments by noon on Friday of this week (November 17) I would appreciate it.

Best regards,

Bill

DRAFT

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Friday, November 10, 2017 4:31 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Subject: RE: Tennessee Tech Univ - Follow Up

Dear Tom,

Thanks for this follow-up information, and thank you again for the time this past Tuesday.

My staff are writing up a memo to document what we learned from our call to help us and others better understand the test equipment, procedures and test cycles that the Tennessee Tech team used. We will send you a draft of that memo next week to make sure we captured the information accurately. We will be able to include the equipment specifications/make/model for both the dynamometer and the emissions analyzer based on the links you provided below.

One follow-up question we had was whether or not you would be able to release the following additional information for each of the vehicles tested;

- Vehicle mileage, vehicle model year, and if not the engine model year for each of the test articles

- Emissions test results for each test mode for each vehicles – that is, the emissions rates at the idle test point, and the 25%, 50%, 75%, and 100% load points, for each of the emissions that were measured.

If you and your team decide to test additional vehicles, one topic we would want to follow up with you on to make some suggestions is the stabilization time at each of the test points. With engines that don't have catalyst systems, the stabilization time for a steady-state test point can be relatively short. However, for the engines produced in 2007 and later, and in particular the 2010 model year and later engines, the warm-up times for stabilizing the engine+catalyst systems is much longer than 50 seconds. We can provide some data on this topic if that would be helpful.

Thank you for the invitation for the EPA staff to come to Tennessee Tech. I think if you and your team are going to be testing additional heavy-duty vehicles in the future it may be useful for a few of my staff to come down to learn about your procedures.

Finally, you and your colleagues (professors, technicians, researchers, students) are welcome any time to come to the EPA emissions laboratory in Ann Arbor. It's about an 8 hour drive from Tennessee Tech to Ann Arbor, or we are about 40 minutes from Detroit Metro Airport. As I mentioned during our call, we have a tremendous facility for vehicle and engine emissions testing. My staff and I also have a deep commitment to STEM, and would love to have the opportunity to show college students who are interested in engineering and science the type of work we do.

I hope you have a great weekend.

Sincerely,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, November 07, 2017 5:46 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Tennessee Tech Univ - Follow Up

Hey Bill ... enjoyed our conversation today .... don't hesitate contacting me if you need anything else.

See attached file that documents our Test Procedures ….. and the links below for both the Chassis Dyno and Combustion Analyzer.

http://www.enerac.com/?gclid=CjwKCAiA0IXQBRA2EiwAMODil3yWqJPIH_iPqWvItRX4XCTFW5AH7NM1Ycnz9uwx8BoCDMMQAvD_BwE

(Model 500)

https://powertestdyno.com/wp-content/uploads/sites/2/2016/03/EC-Series-Chassis-Dynamometers.pdf

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

From: Charmley, William
Location: N158
Importance: Normal
Subject: Hold - Glider Test Program Call with Tennesee Tech
Start Date/Time: Tue 11/7/2017 9:00:00 PM
End Date/Time: Tue 11/7/2017 10:00:00 PM

Cc: Grundler, Christopher[grundler.christopher@epa.gov]
To: Wayne Nastri[wnastri@aqmd.gov]; mmiyasato@aqmd.gov[mmiyasato@aqmd.gov]; Nancy Kruger[nkruger@4cleanair.org]; amarin@nescaum.org[amarin@nescaum.org]; Matt Solomon[msolomon@nescaum.org]; Erik White[ecwhite@placer.ca.gov]; Steven Flint[steven.flint@dec.ny.gov]; Jack Kitowski[jack.kitowski@arb.ca.gov]; Mike Carter[mcarter@arb.ca.gov]; rcorey@arb.ca.gov[rcorey@arb.ca.gov]
From: Charmley, William
Sent: Wed 9/6/2017 10:21:17 AM
Subject: Letter from MECA to US EPA regarding heavy-duty glider vehicles
MECA letter on EPA Glider Reconsideration 090517.pdf
ATT00001.txt

Dear all

Please see that attached letter from MECA regarding EPAs recent announcement to develop and published a proposed rule making to revisit the standards for heavy-duty gliders established in last years 2016 heavy-duty phase 2 rule.

Best regards,

Bill

To: Orlin, David[Orlin.David@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Burch, Julia[Burch.Julia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Robin Moran[Moran.Robin@epa.gov]
From: Charmley, William
Sent: Fri 1/19/2018 1:12:34 PM
Subject: RE: SAB form for the MTE, and charmley review of glider document that David O reviewed
MTE Reconsideration_SAB_EPA action description annotated Template+do, WJ....docx

Kathryn and Ben –

Ex. 5 - Deliberative Process; Attorney Client

Not Responsive; Ex. 5 - Deliberative Process

Kathryn – can you take care of working with Ben and Julia to ensure they have the most recent documents for this exercise?

Thanks

Bill

From: Orlin, David
Sent: Thursday, January 18, 2018 6:01 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Burch, Julia <Burch.Julia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: SAB form for the MTE

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Sargeant, Kathryn
Sent: Thursday, January 18, 2018 3:27 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: SAB form for the MTE

Ex. 5 - Deliberative Process; Attorney Client

From: Moran, Robin
Sent: Thursday, January 18, 2018 1:43 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Lieske, Christopher <lieske.christopher@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Helfand, Gloria <helfand.gloria@epa.gov>; Cherry, Jeff <Cherry.Jeff@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>
Subject: SAB form for the MTE

Bill and Kathryn,

Here's a draft of the SAB form for SAB's consideration of reviewing the MTE.

Ex. 5 - Deliberative Process

Thanks,

Robin

Robin Moran

Senior Policy Advisor

U.S. EPA, Office of Transportation and Air Quality

2000 Traverwood Dr.

Ann Arbor, MI 48105

(734) 214-4781 (phone)

To: Jim Tamm[james.tamm@dot.gov]
From: Charmley, William
Sent: Mon 12/4/2017 10:41:43 PM
Subject: s alt 12 02 17 v2 testimony.docx
s alt 12 02 17 v2 testimony.docx
ATT00001.txt

JIm

Nice to see you today.

Here is the Volvo testimony from today's RPA hearing on gliders.

I didn't get to the hearing in time to hear the Volvo testimony, but I see in reading it they specifically mention ESC.

Thanks
Bill

To: Charmley, William[charmley.william@epa.gov]
From: Charmley, William
Sent: Wed 10/25/2017 7:10:43 PM
Subject: glider questions

Ex. 5 - Deliberative Process

To: Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 9:04:37 PM
Subject: RE: Glider Hearing Info

Christy –

Thanks go you and everyone for all of the organizational planning that has gone into the hearing.

On question for Tia/Chris/Erin – what is the easiest way to find WJCE 1153?

Thanks

Bill

From: Parsons, Christy
Sent: Thursday, November 30, 2017 3:54 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Glider Hearing Info

Hi All,

A few logistical details and other info that may be of interest related to the public hearing this Monday for the glider repeal NPRM:

- We'll begin to gather at 8:30 am immediately outside of WJCE 1153
  - We'll go over roles, logistics, and any additional final prep before attendees start to arrive

- We currently have 66 individuals registered to testify (see attached draft of hearing panels for details)
  - Also note that OOIDA, TTMA, National Automobile Dealers Association, & DALE KARDOS & ASSOCIATES, INC. have stated they plan to attend but not testify

- Hearing starts at 10 a.m.

- We plan to break for lunch around 12:45 pm

- We'll likely go through at least 5 pm

My cell phone number is included below if you need to reach me day-of, but please don't hesitate to contact me if any additional details would be useful in the interim.

Thanks!
Christy

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: Ex. 6 - Personal Privacy

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does construe it otherwise, please notify me immediately so that proper contract action can be initiated.

To: Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Fri 11/3/2017 9:33:45 AM
Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM
EO12866_Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN_2....docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: November 2, 2017 at 8:04:44 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>
Cc: "Baptist, Erik" <baptist.erik@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

All:

OTAQ has sent OMB the attached draft of the glider repeal NPRM.

Others may hear before we do on OMB's next steps (e.g., clearance) but we will share anything we hear.

Thanks
Ben

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: November 2, 2017 at 6:28:20 PM EDT
To: "Whiteman, Chad S. EOP/OMB" [redacted] 'Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Burch, Julia" <Burch.Julia@epa.gov>, "Owens, Nicole"

<Owens.Nicole@epa.gov>
Subject: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached please find EPA's passback on the draft NPRM "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." This is a redline-strikeout as compared to the version that was uploaded on October 20, 2017 (which I believe had a date of 10/17/17 in the file).

Thanks,

Tia

From: Whiteman, Chad S. EOP/OMB [mailto:6 **Ex. 6 - Personal Privacy**
Sent: Tuesday, October 24, 2017 10:16 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060–AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Scott Grenerth[Scott_Grenerth@ooida.com]
From: Charmley, William
Sent: Thur 11/9/2017 6:37:13 PM
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Scott,

You are welcome.

I'm looking forward to our call with you, Tom and others next week on Tuesday morning.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Thursday, November 09, 2017 1:35 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Thank you for the heads up.

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, November 9, 2017 11:57 AM
Subject: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Dear Highway Heavy-duty Stakeholder;

Today EPA Administrator Pruitt signed the Notice of Proposed Rulemaking titled "*Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*". You can find information regarding this proposed rule at the following website;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks

EPA is opening a public comment period on the proposed rule which extends until January 5, 2018. EPA will also hold a public hearing on the proposal on Monday, December 4, 2017.

Information on how to submit public comments, as well as information on the public hearing, are detailed in the proposed rule. A pre-Federal Register publication version of the proposed rule is available at the website listed above.

Sincerely,

Bill Charmley

US EPA

To: Paul Billings[paul.billings@lung.org]; Jonna Hamilton[JHamilton@ucsusa.org]; Chet France[cjfrance@sbcglobal.net]; Luke Tonachel[Ltonachel@nrdc.org]
From: Charmley, William
Sent: Wed 9/6/2017 10:13:44 AM
Subject: Please share attached as you see fit.
MECA letter on EPA Glider Reconsideration 090517.pdf
ATT00001.txt

To: Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 1:47:42 AM
Subject: RE: Draft Proposal of Glider Repeal

Dear David –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William
Sent: Thursday, October 19, 2017 6:16 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Re: Draft Proposal of Glider Repeal

David

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

Sent from my iPhone

On Oct 19, 2017, at 6:11 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

On Oct 19, 2017, at 5:57 PM, Charmley, William <charmley.william@epa.gov> wrote:

David

If you have time to call me on my cell for just a few minutes we can discuss.

Otherwise I will catch up with you Friday morning.

Thanks

Bill

Sent from my iPhone

On Oct 18, 2017, at 9:44 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Wednesday, October 18, 2017 5:49 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>

Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Draft Proposal of Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Wednesday, October 18, 2017 5:08 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Draft Proposal of Glider Repeal

Sharepoint is fine w/me but up to David

From: Charmley, William
Sent: October 18, 2017 4:39 PM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: FW: Draft Proposal of Glider Repeal

David and Mark,

Thank you for sharing this draft from Erik.

Does OGC want Ann Arbor to post this on a sharepoint drive for any comments that OGC wants to make on this, or do you all want to work on this within OGC as a stand-alone document?

Thanks

Bill

From: Orlin, David
Sent: Wednesday, October 18, 2017 4:28 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Draft Proposal of Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Baptist, Erik" <baptist.erik@epa.gov>
Date: October 18, 2017 at 4:26:07 PM EDT
To: "Orlin, David" <Orlin.David@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Schmidt, Lorie"

<Schmidt.Lorie@epa.gov>, "Srinivasan, Gautam"
<Srinivasan.Gautam@epa.gov>
Subject: Draft Proposal of Glider Repeal

David,

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.crik@cpa.gov

From: Charmley, William
Location: N158, call-in number ph Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy
Importance: Normal
Subject: Status check-in on Glider-Trailer Action
Start Date/Time: Thur 9/28/2017 7:30:00 PM
End Date/Time: Thur 9/28/2017 8:00:00 PM

Meeting to discuss status of the glider approach for the NPRM to delay the January 2018 compliance date for gliders.

==========

Dear Chuck, Christy, Cay, Mark and David,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let me know what questions you may have on this request.

Thanks

Bill

To: Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 4:25:21 PM
Subject: RE: Current version of Glider NPRM

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Sutton, Tia
Sent: Tuesday, November 07, 2017 11:21 AM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Current version of Glider NPRM

Hi all,

Here's the working version of the Glider NPRM that we should use for any additional edits from here on out.

Ex. 5 - Deliberative Process; Attorney Client

Ben or Dave – please jump in if there's anything I missed!

-Tia

To: Berry Steve[steve.berry@volvo.com]
From: Charmley, William
Sent: Sat 7/22/2017 4:21:07 PM
Subject: Re: Our call

Steve,

EPA has received a petition for reconsideration.

Below is the text from the opening paragraph of the petition.

I will follow up with Jonathan on Monday or Tuesday as we learn more about this topic.

Thanks
Bill

"Pursuant to 5 U.S.C. § 553(e) and 42 U.S.C. § 7607(d)(7)(B), Fitzgerald Glider Kits, LLC ("Fitzgerald"), Harrison Truck Centers, Inc. ("Harrison"), and Indiana Phoenix, Inc. ("Indiana Phoenix") (collectively, "Petitioners"), on behalf of the glider industry, hereby request that the Environmental Protection Agency ("EPA") reconsider the application of the final rule entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy- Duty Engines and Vehicles—Phase 2 Final Rule," 81 Fed. Reg. 73,478 (Oct. 25, 2016) ("Phase 2 Rule"), to "gliders." ' "

On Jul 22, 2017, at 12:00 PM, Berry Steve <steve.berry@volvo.com> wrote:

Hi Bill

It may be helpful to clarify, not sure – is it a petition for reconsideration, or petition for rulemaking?

Thanks

Steve

From: Charmley, William [mailto:charmley.william@epa.gov]

Sent: Wednesday, July 19, 2017 7:25 PM
To: Berry Steve
Subject: Re: Our call

Steve

I will find out tomorrow or Friday.

If I can provide it to you, but it's after you are on leave, should I send it to Jonathan?

Thanks

Bill

Sent from my iPhone

On Jul 19, 2017, at 7:00 PM, Berry Steve <steve.berry@volvo.com> wrote:

> Hi Bill
>
> Thanks for the call today. Any chance you can share the document we discussed?
>
> Steve

This email message and any attachments may contain confidential information and may be privileged. If you are not the intended recipient or otherwise not authorized to receive this message, you are prohibited to use, copy, disclose or take any action based on this email or any information contained herein. If you are not the intended recipient, please advise the sender immediately by replying to this email and permanently delete this message and any attachments from your system.

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 7:36:41 PM
Subject: RE: article

Ben,

Thanks. I had seen this topic previously. Tennessee Tech has opened something called the "Center for Intelligent Mobility". It looks like this new Center was supported by Fitzgerald.

This is the Center at Tennessee Tech that performed the testing of the glider vehicles, and my staff and I are setting up a conference call with representatives from the Center for Intelligent Mobility to learn more about their glider testing program.

Thanks

Bill

From: Hengst, Benjamin
Sent: Wednesday, November 01, 2017 3:17 PM
To: Charmley, William <charmley.william@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: Fwd: article

Begin forwarded message:

From: "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Date: November 1, 2017 at 3:15:59 PM EDT
To: "Orlin, David" <Orlin.David@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: article

https://www.tntech.edu/news/releases/tennessee-tech,-tcat-livingston,-fitzgerald-companies-announce-new-partnership

Cited in:

http://blog.ucsusa.org/dave-cooke/pruitt-seeks-to-reopen-truck-pollution-loophole-per-cronies-request

To: JMandel@clpchicago.com[JMandel@clpchicago.com]
From: Charmley, William
Sent: Wed 9/6/2017 10:04:39 AM
Subject: Please share attached with your members as you see fit
MECA letter on EPA Glider Reconsideration 090517.pdf
ATT00001.txt

To: Orlin, David[Orlin.David@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Tue 9/19/2017 12:27:37 PM
Subject: Re: Friday briefing with Mandy on gliders/trailers

I will be in the air at 4;30.

I can do a 5:30 call.

Sent from my iPhone

On Sep 19, 2017, at 8:17 AM, Orlin, David <Orlin.David@epa.gov> wrote:

4:30 works for me

On Sep 19, 2017, at 8:14 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Would you two have time to chat at 4:30?

I'll there's now an interagency call on the NODA at noon and both David and I will be in that.

On Sep 19, 2017, at 7:48 AM, Charmley, William <charmley.william@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

I am at the airport now getting ready to fly to Chicago. I have 45 minutes before my plane boards, and then I will be available again around noon.

Sent from my iPhone

On Sep 18, 2017, at 3:50 PM, Orlin, David <Orlin.David@epa.gov> wrote:

(leaving Chris off). I'm out of the office Weds and Thursday so if we are going to be talking to Mandy on Friday, I'd like to have an internal discussion if possible on Tuesday.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Monday, September 18, 2017 3:44 PM
To: Charmley, William <charmley.william@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: Friday briefing with Mandy on gliders/trailers

Bill, Chris:

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ben

To: Orlin, David[Orlin.David@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 10/17/2017 8:15:48 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

David and Chuck -

Ex. 5 - Deliberative Process; Attorney Client

How does that sound?

Thanks

Bill

From: Orlin, David
Sent: Tuesday, October 17, 2017 4:04 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 3:54 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ben,

Ex. 5 - Deliberative Process; Attorney Client

From: Sutton, Tia
Sent: Tuesday, October 17, 2017 3:12 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 11:48 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is the latest version of the glider rule. Note that it still includes edits that need to be accepted or rejected.

To: Sutton, Tia[sutton.tia@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Tue 8/15/2017 4:39:18 PM
Subject: RE: FYI - Prep for Glider Call with Hill Staffer

Tia,

Thanks for this information. I can participate in the prep. call, but probably not in the actual with the Congressional staffer.

I think that will be fine, as it looks like you and Chuck, along with OCIR, will be on the call with the staffer.

Thanks

Bill

From: Sutton, Tia
Sent: Monday, August 14, 2017 5:21 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: FYI - Prep for Glider Call with Hill Staffer

Hi Bill,

This is the call we discussed a while ago during a HD update mtg with Chris – Rep Reed is from NY and the staffers were calling on behalf of a company called Mix Brothers, I'll resend the original email shortly. Basically the staffers wanted to know **Not Responsive** **Not Responsive** and then the staffer mentioned "I understand you have petitions in and there may be something going on with gliders?" During our meeting, everyone agreed that it was fine for us to do this call and keep it very general – answer the question about the constituent and simply

say that we're evaluating the petition and be done with it. You and Angela had both said that you did not want to be on the call, but I can of course forward you the invite if you would like to be on.

I didn't realize that Pat had invited you to the prep call, so sorry if that was a blindside. I called her earlier to let her know about Not Responsive Not Responsive Not Responsive. Looks like she added her Deputy AA to the prep call, so I would imagine that's why she thought it might be good if you could be on for that. Does this time work for you? If not, I can ask her to find something else.

Thanks,

Tia

From: Charmley, William
Sent: Monday, August 14, 2017 5:06 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: FYI - Prep for Glider Call with Hill Staffer

Chuck and Tia –

Can you forward this calendar appointment to me? I don't know if I will be able to participate.

Do we have any background on this meeting request?

What area of the country does Representative Reed represent?

Thanks

Bill

From: Moulis, Charles
Sent: Monday, August 14, 2017 3:33 PM
To: Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: FYI - Prep for Glider Call with Hill Staffer

FYI - We are having a call with a staffer from Rep Reed's office on gliders Wednesday afternoon with a prep call at 11:30.

To: Harlow, David[harlow.david@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 4:23:42 PM
Subject: Follow-up from OMB interagency call on draft glider NPRM

Dear David, David and Mark;

Here in Ann Arbor we recorded 3 potential action items;

Ex. 5 - Deliberative Process; Attorney Client

Here are our thoughts on those three items

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

To: Moulis, Charles[moulis.charles@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]; Laroo, Chris[laroo.chris@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 5:16:02 PM
Subject: FW: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Dear all –

I'll keep you posted on this.

Once we find a date/time that works for the Tennessee Tech team, I'll schedule a pre-meeting for all of us.

Thanks

Bill

From: Charmley, William
Sent: Wednesday, November 01, 2017 1:15 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: Oldham, Philip <poldham@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Saltsman, Terry <tsaltsman@tntech.edu>; Wray, Robert Lee <lwray@tntech.edu>
Subject: RE: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Dear Mr. Brewer,

Thank you for the response to my request from yesterday.

Below are several options available for myself and my staff. All times are eastern. I think an hour will be enough, and we can always decide if additional follow-up would be helpful.

Friday, November 3

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-4pm

Monday, November 6

- □□□□□□□□ 11am-12pm
- □□□□□□□□ 2-3pm

Tuesday, November 7

- □□□□□□□□ 10am-11am
- □□□□□□□□ 3-5pm

Please let me know if there is an option among these that will work for the Tennessee Tech team. After Tuesday of next week I will be on travel for the rest of the week. I can look for additional dates and times the week of November 13 if the options above don't work.

We can use the following conference call number for our discussion:

Conference phone # Ex. 6 - Personal Privacy

Code Ex. 6 - Personal Privacy

I will have between 3 and 4 members of my team with me, and once we select the date and time I can send you the names of the EPA participants.

Sincerely,

Bill Charmley

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Wednesday, November 01, 2017 9:26 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Oldham, Philip <poldham@tntech.edu>; Soni, Bharat <bsoni@tntech.edu>; Saltsman, Terry <tsaltsman@tntech.edu>; Wray, Robert Lee <lwray@tntech.edu>
Subject: RE: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

Director Charmley … The TTU Team certainly looks forward to talking with you and your staff as to the Protocols and Outcomes from the Class 8 Heavy Duty Glider Kit Emissions Testing.

Could you please provide me with some available times & dates for you within the next week or so and I will coordinate our group as appropriate.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Tuesday, October 31, 2017 10:38 AM
To: Brewer, Tom <TBrewer@tntech.edu>; Oldham, Philip <poldham@tntech.edu>
Subject: Request for technical follow-up on Tennessee Tech emissions testing program of highway heavy-duty glider vehicle emissions

October 31, 2017

To: President Philip B. Oldham, President

Tennessee Technological University

Thomas Brewer, Associate Vice President

Center for Intelligent Mobility

Tennessee Technological University

Dear President Oldham and Associate Vice President Brewer:

My staff and I are interested in learning more about the emissions testing program of highway heavy-duty glider vehicles that Tennessee Tech has performed. We understand that the University undertook a testing program to evaluate the emissions performance of glider vehicles based on a June 15, 2017 Tennessee Tech letter that was included in a petition from several glider vehicle assemblers to the Environmental Protection Agency (EPA).

In response to that petition, this past August, EPA Administrator Pruitt announced that EPA is revisiting EPA's regulatory treatment of highway heavy-duty glider vehicles (a copy of the Administrator's letter on this topic is available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel). Based on the Administrator's decision to revisit the existing EPA regulations that apply to glider vehicles, we are looking for additional information on the emissions performance of glider vehicles. In addition, this information may be useful for efforts to improve the forecasting accuracy of EPA's emissions modeling (information on the official EPA mobile emissions model is available at: https://www.epa.gov/moves). As such, we would greatly appreciate an opportunity to learn more about the emissions testing program conducted by Tennessee Tech University.

I would like to arrange a conference call between the principal investigator(s) of the Tennessee Tech glider vehicle test program and my staff to gather additional information on the program your University has performed. Can you please let me know if such an initial call could be arranged, and who I could contact at Tennessee Tech to follow up on this topic?

Sincerely,

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Flint, Steven (DEC)[steven.flint@dec.ny.gov]
From: Charmley, William
Sent: Wed 11/22/2017 5:46:14 PM
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"
EPA-HQ-OAR-2014-0827-2417.pdf
EPA-HQ-OAR-2014-0827-2416.pdf

Dear Steve,

In the past few days EPA has placed the attached two documents into the heavy-duty Phase 2 docket. One provides information on the testing performed by Tennessee Tech University referenced by Fitzgerald, and the other is an EPA test memo regarding two glider vehicles that we just finished testing.

We are also still following up with Tennessee Tech, and I think we will be able to provide more detail on the NOx data TTU collected within a week or two.

Thanks

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Flint, Steven (DEC) [mailto:steven.flint@dec.ny.gov]
Sent: Thursday, November 09, 2017 2:00 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

Bill- I'm missing something.

In the petition from Fitzgerald et al there is an appendix from Tennessee Tech about emissions testing. While there are statements about NOx, NOx does not appear in the Table. Is there a more complete document somewhere, because I would like to see actual NOx numbers, as well as test procedures and methodology (eg, a statement that PM is below detection limits is worthless unless the detection limit is identified)

thanks

Steven E. Flint, PE

Director, Division of Air Resources

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-3250

P: (518) 402-8452 | F: (518) 402-9035 | steven.flint@dec.ny.gov

www.dec.ny.gov | | |

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, November 09, 2017 12:57 PM
Subject: EPA Notice of Proposed Rulemaking "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits"

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Highway Heavy-duty Stakeholder;

Today EPA Administrator Pruitt signed the Notice of Proposed Rulemaking titled "*Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits*". You can find information regarding this proposed rule at the following website;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks

EPA is opening a public comment period on the proposed rule which extends until January 5, 2018. EPA will also hold a public hearing on the proposal on Monday, December 4, 2017.

Information on how to submit public comments, as well as information on the public hearing, are detailed in the proposed rule. A pre-Federal Register publication version of the proposed rule is available at the website listed above.

Sincerely,

Bill Charmley

US EPA

To: Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Wed 9/6/2017 10:03:46 AM
Subject: Fwd: MECA comments in response to the Reconsideration of the Glider Vehicle Provision of the Phase 2 Heavy-Duty Rule
MECA letter on EPA Glider Reconsideration 090517.pdf
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Rasto Brezny <rbrezny@meca.org>
Date: September 5, 2017 at 9:39:22 PM EDT
To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Cc: "Charmley, William" <charmley.william@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: MECA comments in response to the Reconsideration of the Glider Vehicle Provision of the Phase 2 Heavy-Duty Rule

To: The Honorable E. Scott Pruitt

Please find attached the comments of the Manufacturers of Emission Controls Association in response to the Petition for Reconsideration of Application of the Final Rule Entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2 Final Rule" to Gliders. MECA would welcome the opportunity to meet with you and your staff in the near future to address any questions that you may have regarding our comments.

Sincerely,

Rasto Brezny, PhD

Executive Director

Manufacturers of Emission Controls Association

2200 Wilson Blvd. Suite 310

Arlington, VA 22201

202-296-4797 ext. 106

Cell: 301-717-3628

rbrezny@meca.org

www.meca.org

To: Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 1:17:18 PM
Subject: RE: Question regarding one of the comments from OMB on the glider repeal proposal

Angela,

Thanks for this information.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Cullen, Angela
Sent: Tuesday, October 31, 2017 4:33 PM
To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Question regarding one of the comments from OMB on the glider repeal proposal

Bill,

We had a call with OMB today regarding **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

If you care about the details…

Ex. 5 - Deliberative Process

Angela

From: Charmley, William
Sent: Tuesday, October 31, 2017 3:26 PM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Question regarding one of the comments from OMB on the glider repeal proposal

Chuck, Cay, and Christy.

In the draft that went to OMB we had the following text

Ex. 5 - Deliberative Process

OIRA's one round of comments we have seen said the following:

Ex. 5 - Deliberative Process

If we were asked, how would we respond to this comment from OIRA?

Thanks

Bill

To: Bynum, Cheryl[bynum.cheryl@epa.gov]
From: Charmley, William
Sent: Thur 11/2/2017 9:22:46 PM
Subject: RE: glider kits

Cheryl,

Thanks for sending me this note. I was not aware of this. I am on a few list servers for Transport Topic, but if you see the actual article on this, can you let me know.

Thanks

Bill

From: Bynum, Cheryl
Sent: Thursday, November 02, 2017 8:55 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: glider kits

Bill

You may already know this but apparently Transport Topics will have an article tomorrow about glider kits. Glen gave them a quote which he shared with me

"The Senate confirmation of Bill Wehrum finally affords the office a senior manager to direct the activities within the air office. It still remains to be seen as to what influence and input he may have in guiding any efforts ahead relating to the issue of glider kits under Phase 2. The train may have already left the station and its final destination appears to have already been

determined behind closed doors absent industry-wide input, " Kedzie said.

In case you want to give Chris or Erin a heads up. From this information, ATA seems to be taking the position, which is consistent with what I heard from Glen at the MC&E, that the trucking industry would have preferred to have a fuller industry-EPA dialogue on this issue prior to any final decisions being made.

Cheryl

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 1:11:31 PM
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

<< DRAFT E-mail >>

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Grundler, Christopher
Sent: Wednesday, November 01, 2017 8:05 AM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Here is the latest. Ex. 5 - Deliberative Process

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: October 31, 2017 at 4:26:06 PM EDT
To: "Charmley, William" <charmley.william@epa.gov>, "Grundler, Christopher"

<grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Sent from my iPhone

Begin forwarded message:

From: "Harlow, David" <harlow.david@epa.gov>
Date: October 31, 2017 at 4:18:38 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Yet another version, but I think we're getting close to having this done.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Tuesday, October 31, 2017 4:11 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Tuesday, October 31, 2017 3:37 PM
To: Harlow, David <harlow.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Attorney-Client Privilege

Deliberative

David,

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Tuesday, October 31, 2017 2:28 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Parsons, Christy[Parsons.Christy@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Thur 1/18/2018 6:55:08 PM
Subject: Not Responsive Glider Reconsideration Ex. 6 - Personal Privacy

Dear all

I pushed the start time back to 2:15

Thanks
Bill

Not Responsive **Glider Reconsideration** Ex. 6 - Personal Privacy
Scheduled: Thursday, Jan 18, 2018 from 2:15 PM to 2:55 PM
Location: N158
Invitees: Parsons, Christy, Cullen, Angela, Orlin, David, Kataoka, Mark, Yanca, Catherine, Moulis, Charles, Sargeant, Kathryn, Nelson, Brian

Sent from my iPhone

To: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Thur 11/16/2017 12:45:02 PM
Subject: FW: section 317 memo for gliders docket

Dear all –

Please see below regarding the Section 317 memo.

I am assuming we will hear within a few hours what the next step is on finalizing the memo.

Thanks

Bill

From: Charmley, William
Sent: Thursday, November 16, 2017 7:43 AM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David
Sent: Wednesday, November 15, 2017 6:43 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Excellent, Erik, and thanks! Gentlemen (and Mandy), I leave you all in Erik's capable hands to help finish this off tomorrow.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 15, 2017 6:40 PM
To: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Wednesday, November 15, 2017 6:35 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: section 317 memo for gliders docket

All,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Charmley, William
Sent: Wednesday, November 15, 2017 5:41 PM
To: Harlow, David <harlow.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David
Sent: Wednesday, November 15, 2017 5:17 PM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: section 317 memo for gliders docket
Importance: High

Gentlemen,

Ex. 5 - Deliberative Process; Attorney Client

Thanks to you all for your good work in getting this done.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator

Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 15, 2017 4:57 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: FW: section 317 memo for gliders docket
Importance: High

FYI!

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Orlin, David
Sent: Wednesday, November 15, 2017 4:54 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>

Subject: section 317 memo for gliders docket

Erik,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Fri 10/27/2017 5:31:51 PM
Subject: NOTES: 12866 Meeting between NACAA, NESCAUM, and OMB

Charmley - NOTES

12866 meeting on the Glider NPRM with OIRA, Held on October 27, 2017 from 1-1:30pm

<< please note, I signed in about 2 minutes late, so I don't have the full list of participants >>

OIRA – Chad Whitman

SBA – David Rostker (I think Dave was on, I thought I heard his voice)

Eric White, Executive Director, Placard County, California

Steve Flint, New York DEQ, co-chair of NACAA mobile source committee

Matt Solomon, NESCAUM

Miles Keogh, Executive Director, NACAA

Paul Miller, NESCAUM

Note – NACAA had a handout for OMB that they refered to during parts of the meeting, though I don't have a copy.

Miles Keogh –

Ex. 5 - Deliberative Process

Steve Flint, New York DEQ, co-chair of NACAA mobile source committee

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Miles Keogh

Ex. 5 - Deliberative Process

To: Moulis, Charles[moulis.charles@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Fri 1/26/2018 5:04:31 PM
Subject: RE: Materials for Friday Glider Pre-Brief

Dear Chuck, Mark and David,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Moulis, Charles
Sent: Thursday, January 25, 2018 4:54 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Materials for Friday Glider Pre-Brief

Attached are the slides for the Friday pre-brief with Chris on gliders.

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 11:29:59 AM
Subject: Glider vehicle test program - OCIR inquiry

Chris and Ben

Ex. 5 - Deliberative Process

Thanks,

Bill

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Not Responsive

Ex. 5 - Deliberative Process

Not Responsive

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Charmley, William
Location: N158
Importance: Normal
Subject: Conference call with MEMA
Start Date/Time: Thur 11/30/2017 9:30:00 PM
End Date/Time: Thur 11/30/2017 10:30:00 PM

Hi Bill,

We would be happy to discuss this issue of glider kits with you – although we are still in the process of developing MEMA's position. The two proposed times next week are not good for us since we will be traveling. We have an off-site meeting on Thursday from 3-4 and probably won't be back in the office until 4:30. Could we do 4:30 on Thursday (11/30)?

Best,

Laurie Holmes

Senior Director, Environmental Policy

Motor & Equipment Manufacturers Association

1030 15th Street NW, Suite 500 East

Washington, DC 20005

Direct: 202-312-9247

Mobile: 202-422-6182

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Monday, November 27, 2017 5:09 PM
To: Ann Wilson <awilson@MEMA.ORG>; Leigh Merino <lmerino@MEMA.ORG>; Laurie Holmes <lholmes@mema.org>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: Request for a discussion with EPA on heavy-duty remanufacturing and heavy-duty gliders

Dear Ann , Lee, and Laurie

I hope all is well with all of you.

I spoke with Ann a few weeks ago regarding EPA's recent proposal related to heavy-duty glider vehicles, glider kits, and glider engines. You can find more information on EPA's recent proposal to repeal the heavy-duty glider provisions established in last year's heavy-duty Phase 2 final rule at this location:

https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-repeal-emission-requirements-glider

I wanted to know if MEMA may have time for a conference call later this week or next week to discuss EPA's recent proposal, and MEMA's views on the proposal.

It would be helpful for my staff and I to have a better understanding of MEMA's Division, the Motor & Equipment Remanufacturers Association (MERA). We would like to both learn about MEMA's views on EPA's recent proposal, and also learn more about who are the members MERA and what types of remanufacturing processes they engage in and what types of products they remanufacture.

Here are some potential dates and times that work for us:

- Thursday, November 30 from 3-4 or 4-5pm
- Tuesday, December 5 from 3-4pm
- Thursday, December 7 from 4-5pm

I look forward to hearing from you.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

To: Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Wed 10/25/2017 12:03:36 PM
Subject: RE: Urgent

Karl –

Here are my drafts. I'm done, so when you are, please send all of these to Chris. Not sure if my draft for Question 1 is helpful, so please change as you think is appropriate.

Q and A:

Question 1. do other nations have 2 statutes they need to harmonize like US?

Not Responsive; Ex. 5 - Deliberative Process

Question 2. In phase 2 did we account for or analyze upstream methane emissions when evaluating CNG/LNG stds? (Also pls remind me How we treat natural gas vehicles in phase 2)

Not Responsive; Ex. 5 - Deliberative Process

Question 3. Is epa involved in influencing autonomous vehicle policy? Is epa analyzing potential impacts on vmt and emissions?

Not Responsive; Ex. 5 - Deliberative Process

Question 4. What is most recent status of phase 2 trailer and glider issue?

Ex. 5 - Deliberative Process

Question 5 Given increase in light-truck share and gasoline demand, is the light-duty vehicle GHG program working as intended?

Not Responsive; Ex. 5 - Deliberative Process

From: Simon, Karl
Sent: Wednesday, October 25, 2017 7:08 AM

To: Charmley, William <charmley.william@epa.gov>
Subject: Fwd: Urgent

Give me a ring on your way in. I can do most of these but think a couple need your take

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: October 24, 2017 at 8:00:07 PM EDT
To: "Charmley, William" <charmley.william@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>
Subject: Urgent

I did not get answers to these questions. Pls do your best to get me a short answer before tomorrow morning Pasadena time

---

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: grundler.christopher@epa.gov
Date: October 20, 2017 at 9:59:56 AM PDT
To: Erin Birgfeld <Birgfeld.Erin@epa.gov>, William Charmley <Charmley.William@epa.gov>, Karl Simon <Simon.Karl@epa.gov>
Subject: Pls provide suggested answers to these questions that will be posed by

Boesel after my remarks

For Monday package. Thx

Q and A:

--do other nations have 2 statutes they need to harmonize like US?

--in phase 2 did we account for or analyze upstream methane emissions when evaluating CNG/LNG stds? (Also pls remind me How we treat natural gas vehicles in phase 2)

--is epa involved in influencing autonomous vehicle policy ? Is epa analyzing potential impacts on vmt and emissions?

--what is most recent status of phase 2 trailer and glider issue?

--given increase in truck share and gasoline demand, is the program working as intended?

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
Cc: Bunker, Byron[bunker.byron@epa.gov]
From: Charmley, William
Sent: Sat 9/30/2017 11:26:11 AM
Subject: new NPRM Ex. 5 - Deliberative Process - thoughts on where to hold the public hearing

Chris, Ben, Karl, Kathryn -

Ex. 5 - Deliberative Process

I wanted to folks thoughts soon on the location of a public hearing.

We can consider holding the hearing in D.C., or we could consider having it in Ann Arbor, or we could consider a place like Chicago.

At this point I'm mostly thinking about the cost (both people and dollar) impacts of holding another public hearing in D.C. or Chicago. It takes a lot of effort to arrange one in D.C./Chicago for ASD, and we end up spending a lot of travel dollars as well as staff time.

Not Responsive; Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

To: Grundler, Christopher[grundler.christopher@epa.gov]
From: Charmley, William
Sent: Mon 10/9/2017 7:59:54 PM
Subject: Re: Gliders

Not Responsive

Sent from my iPhone

On Oct 9, 2017, at 3:39 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Not Responsive

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 9, 2017, at 3:15 PM, Charmley, William <charmley.william@epa.gov> wrote:

Chris –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, October 09, 2017 2:57 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Fwd: Gliders

Since you are on duty let me share this bad news from Friday. I did not want to spoil your weekend)

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: October 6, 2017 at 6:59:14 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Re: Gliders

Ex. 5 - Deliberative Process; Attorney Client

C--

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 6:49 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We can talk Tuesday.

On Oct 6, 2017, at 5:46 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We have time with you Tuesday morning. I am not forwarding your note to Bill C.

FYI the CEO of Fitzgerald met with Mulvaney this morning.

Have a great weekend

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 5:33 PM, Dunham, Sarah
<Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Mon 10/9/2017 7:15:41 PM
Subject: RE: Gliders

Chris –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, October 09, 2017 2:57 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Fwd: Gliders

Since you are on duty let me share this bad news from Friday. I did not want to spoil your weekend)

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

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734.645.5221 (mobile)

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Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: October 6, 2017 at 6:59:14 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Re: Gliders

Ex. 5 - Deliberative Process; Attorney Client

C--

Christopher Grundler, Director

Office of Transportation and Air Quality

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www.epa.gov/otaq

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Ex. 5 - Deliberative Process; Attorney Client

We can talk Tuesday.

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Ex. 5 - Deliberative Process; Attorney Client

We have time with you Tuesday morning. I am not forwarding your note to Bill C.

FYI the CEO of Fitzgerald met with Mulvaney this morning.

Have a great weekend

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

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734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 5:33 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

To: Parsons, Christy[Parsons.Christy@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Cook, Leila[cook.leila@epa.gov]
From: Charmley, William
Sent: Mon 1/22/2018 2:36:29 PM
Subject: Update on HD gliders and briefing AA Wehrum
Glider Reconsideration Briefing for Bill Wehrum, Part 1, Final.pptx

Dear all -

Ex. 5 - Deliberative Process; Attorney Client

We are now scheduled for the "Part 2" briefing – Ex. 5 - Deliberative Process; Attorney Client for next week on Tuesday, January 30 form 1-2pm.

We are scheduled for a pre-brief with Chris Grundler this week on Thursday, Jan 25 at 10am.

Thanks

Bill

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Tue 12/19/2017 5:08:13 PM
Subject: Draft email to AA Bill Wehrum regarding the NESCAUM request for a 30-day extension of the Glider Repeal NPRM
nescaum-glider-repeal-comment-extension-request-20171214.pdf

Chris –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

<< **Draft** >>

Subject: Request from NESCAUM for a 30-day extension of the Glider Repeal NPRM public comment period, which currently closes on January 5

Dear Bill,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you would like more information regarding this topic.

Chris

To: Nelson, Brian[nelson.brian@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Zhang, Houshun[Zhang.Houshun@epa.gov]
From: Charmley, William
Sent: Wed 12/20/2017 9:56:13 PM
Subject: RE: Who will be the presenter? SAE Government/Industry Meeting - important email for presenters
2017 SAE ComVech, EPA - Charmley, September 19, 2017.pptx

Brian –

Here is the presentation that I gave at the SAE Commercial Vehicle conference this past September.

This material may be helpful for your presentation at the 2018 SAE Gov't-Industry meeting. This was a combination of new slides I created, and material that Matt Spears and others had used for other presentations earlier in 2017.

We can talk as you get closer regarding your overall approach.

Thanks

Bill

From: Nelson, Brian
Sent: Monday, December 11, 2017 3:39 PM
To: Zhang, Houshun <Zhang.Houshun@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Who will be the presenter? SAE Government/Industry Meeting - important email for presenters

Houshun,

I'll be presenting for EPA at this conference.

Thanks,

Brian

From: Zhang, Houshun
Sent: Monday, December 11, 2017 7:51 AM
To: Charmley, William <charmley.william@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>
Subject: Who will be the presenter? SAE Government/Industry Meeting - important email for presenters

Bill and Brian,

Who will be the presenter for the upcoming SAE conference? Please notice that EPA and Jim Tamm (NTHSA) will have a jointed presentation. You must coordinate your part of presentation with Jim for 20 minutes.

The following email is for your information the presenter needs to know.

Houshun

From: Melissa Jena [mailto:Melissa.Jena@sae.org]
Sent: Monday, December 11, 2017 7:26 AM
To: Melissa Jena <Melissa.Jena@sae.org>
Subject: SAE Government/Industry Meeting - important email for presenters

TO: Speakers and Session Organizers,

Program Schedule

The program including dates and times for the Government/Industry Meeting can be found on the website at http://www.sae.org/events/gim/ then click on program link.

Hotel Accommodations – Deadline January 3

SAE has rooms reserved/protected at very special rates through the Washington Auto Show official hotels. A special event rate is available within the reserved block of sleeping rooms at each of the hotels. Please help keep the costs of this event as low as possible by booking your housing needs at the designated hotels and through the online reservation process. To book your hotel room reservation, goto http://www.sae.org/events/gim/attend/hotel-travel/.

Meeting Registration – Deadline January 8

All organizers and speakers attending the event should register as a technical program participant no later than January 8. As a technical session participant, your meeting registration is free. **Lunch tickets are not included in your registration package**. If you wish to attend either of the lunches, please purchase tickets during your registration. To register, please visit http://www.sae.org/events/gim/attend/registration/.

Draft of PowerPoint Presentation – Deadline January 17

Please check your session schedule to view your alloted presentation time. Unless noted, the time shown includes time for Q&A. Your speaker biography form and a draft of your .ppt must be sent to your session organizer prior to the meeting. A drop box has been set up for these items in www.sae.org/mytechzone. Once logged in, click on your session then the presentation. Goto the presentation tab and upload your draft presentation and speaker bio form. The speaker release sign off is voluntary. We will only be posting presentations to the secure ftp for attendee access if the speaker sign off is checked. The SAE PowerPoint template for your presentation is attached along with the bio form.

Presenters Resource Page

We are looking to help our presenters in making the content more meaningful and memorable for attendees.

For SAE technical events, audiences are looking for engaging presentations that help convey the technology listed in your paper or for technology not yet available in written formats. They are looking for critical information and images that help the presenter share their story about the technology.

Please view the detailed information on http://volunteers.sae.org/presenter.htm for helpful hints and recommendations to improve the quality of presentation for attendees.

If you have any questions about your participation, please contact me.

Sincerely,

Melissa Jena

Senior Project Manager

SAE INTERNATIONAL

400 Commonwealth Drive

Warrendale, PA 15096

o +1.724.772.4008

m +1.724.612.3884

e melissa.jena@sae.org

www.sae.org

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message. Confidentiality Note: This message is intended only for the person or entity to which it is addressed. This email, and any attachments, may contain confidential and/or proprietary material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited. If you received this message in error, please contact the sender and permanently delete any printout of the message, the original and any copy of the e-mail and its attachments from your computer.

To: Burch, Julia[Burch.Julia@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
Cc: Moran, Robin[moran.robin@epa.gov]; Lieske, Christopher[lieske.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Wed 8/30/2017 1:02:16 PM
Subject: RE: MTE and reg/dereg agenda
Fall 2017 Reg Agenda.xlsx

Dear Julia and Tia,

Attached is the spreadsheet that Tia provided in advanced of the meeting that we had with Chris and Kathryn on Monday afternoon on all of the OTAQ actions for the fall reg agenda. I have copied only the first 2 rows to frame up my question;

OTAQ Actions & FR Notices

Topic	Action	To OMB	Signature	13771 Status	Reg Agend (Y/N)

Not Responsive; Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

Thanks

Bill

From: Burch, Julia
Sent: Tuesday, August 29, 2017 5:10 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: MTE and reg/dereg agenda

Hi Bill,

Not Responsive; Ex. 5 - Deliberative Process

Please let me know if you have any questions or concerns.

Thanks!

Regards,

Julia Burch

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202-564-0961

To: Orlin, David[Orlin.David@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Tue 9/26/2017 11:43:33 AM
Subject: FW: Follow-up/Gliders

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Charmley, William
Sent: Tuesday, September 26, 2017 7:41 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>

Subject: RE: Follow-up/Gliders

Dear Sarah and Chris

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have more questions on this. We will follow-up with OGC to make sure we didn't miss something.

Bill

From: Charmley, William
Sent: Monday, September 25, 2017 12:24 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Follow-up/Gliders

Sarah and Chris –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Dunham, Sarah
Sent: Monday, September 25, 2017 12:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 6:09:02 PM
Subject: FW: Follow-up/Gliders

Dear all –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Charmley, William
Sent: Monday, September 25, 2017 12:24 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Follow-up/Gliders

Sarah and Chris –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Dunham, Sarah
Sent: Monday, September 25, 2017 12:02 PM

To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Peralta, Maria[Peralta.Maria@epa.gov]; Ludlam, Scott[Ludlam.Scott@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Hart, Connie[hart.connie@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Laroo, Chris[laroo.chris@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Schenk, Charles[schenk.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Haugen, David[haugen.david@epa.gov]
From: Charmley, William
Sent: Tue 12/5/2017 6:20:58 PM
Subject: Thank you for the EPA glider testing program

Dear Maria, Scott, Robert, Garrett, Connie, James, George, Chris, Chuck, Chuck, Christy and Angela:

I wanted to thank each of you for the great technical work you all preformed in the past few months to acquire, test, document, and report-out on the emissions performance of highway heavy-duty glider tractors.

Ex. 5 - Deliberative Process

Yesterday I was in Washington to participate in EPA's public hearing on the recent glider proposal. During the 6+ hours of testimony, we heard from more than 60 stakeholders on this important subject. We heard from a very wide range of people, including truck dealerships, trucking fleet associations, truck OEMs, glider manufactures, state and local air quality agencies, private citizens, public health and environmental organizations, and heavy-duty technology suppliers. Many of the testifiers specially referenced in their testimony that data that EPA's National Vehicle and Fuel Emissions laboratory generated this Fall from the testing of the two glider tractors.

This is exactly the kind of work that the public expects from OTAQ – unbiased high caliber technical assessments.

Thank you again for this work.

Bill

To: Cullen, Angela[cullen.angela@epa.gov]
From: Mitchell, George
Sent: Tue 1/30/2018 5:00:59 PM
Subject: RE: Glider idle emissions

EOW if things get tight

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Cullen, Angela
Sent: Tuesday, January 30, 2018 12:00 PM
To: Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Glider idle emissions

Plenty quick enough. It can be a week or two if you need it.

Thank you!

From: Mitchell, George
Sent: Tuesday, January 30, 2018 11:47 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Glider idle emissions

Tomorrow quick enough?

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Cullen, Angela
Sent: Tuesday, January 30, 2018 10:28 AM
To: Mitchell, George <Mitchell.George@epa.gov>
Subject: Glider idle emissions

Hi George,

Ex. 5 - Deliberative Process

Thank you,

Angela

To: Cullen, Angela[cullen.angela@epa.gov]
From: Darrell Sonntag (JIRA)
Sent: Tue 1/30/2018 2:35:31 PM
Subject: [JIRA] (MEAT-158) Account for glider vehicles while estimating MY 2010+ heavy-duty base emission rates

Darrell Sonntag **commented** on MEAT-158

Re: Account for glider vehicles while estimating MY 2010+ heavy-duty base emission rates

We discussed questions if incorporating gliders should be incorporated in MOVES201X.

There is uncertainty regarding future gliders sales/outcome of glider rule.

However, there already a significant % of heavy-duty NOx being emitted from gliders on the road now, that we are not accounting for.

We need to further discuss the priority/scope of this project. There are many options.

Add Comment

This message was sent by Atlassian JIRA (v7.4.4#74006-sha1:cbc13d9)

To: Cullen, Angela[cullen.angela@epa.gov]; Peralta, Maria[Peralta.Maria@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
Cc: Sandhu, Gurdas[Sandhu.Gurdas@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Ludlam, Scott[Ludlam.Scott@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Hart, Connie[hart.connie@epa.gov]
From: Sanchez, James
Sent: Tue 1/30/2018 2:12:09 PM
Subject: RE: Draft ASD Division Meeting Presentation
Glider Testing on HD Chassis for ASD ac js.pptx

I made a few changes to the slides around the simulated SET test.

Thanks,
James

From: Cullen, Angela
Sent: Tuesday, January 30, 2018 8:44 AM
To: Peralta, Maria <Peralta.Maria@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Sanchez, James <sanchez.james@epa.gov>; Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Hart, Connie <hart.connie@epa.gov>
Subject: Draft ASD Division Meeting Presentation

Attached is a draft presentation for the ASD Division meeting next week. Please let Connie and me know if you have any comments or suggestions.

Thanks,

Angela

To: Hoyer, Marion[hoyer.marion@epa.gov]
Cc: Olechiw, Michael[olechiw.michael@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Choi, David[Choi.David@epa.gov]
From: McDonald, Joseph
Sent: Wed 1/24/2018 2:50:45 PM
Subject: ASD - AEMD Research Coordination

Marion,

Are there any particular topics that you or the other center directors would like to cover during the February meeting? I think AEMD would like hear updates on **Not Responsive** and the diesel glider testing at NVFEL.

Regards,

Joe

Joseph McDonald

U.S. EPA

ORD/NRMRL & OAR/OTAQ

Mail Stop: 236

26 W. Martin Luther King Dr.

Cincinnati, Ohio 45268 USA

Telephone (USA): 513-569-7421

Cellular Telephone: 513-316-2380

E-mail: mcdonald.joseph@epa.gov

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Mon 10/23/2017 10:15:28 AM
Subject: OOIDA - data from their 2014 survey of owner-operators
2014 Owner Operator Survey - Narrative.docx
OOIDA Responseds to EPA Questions for August 25, 2014 Conference Call.docx
Owner-Operator Year by Year Comparison, 2014 Survey.xlsx

Dear all –

One of the stakeholders I am going to reach out to in the context of the glider rulemaking is the Owner-Operators Independent Drivers Association (OOIDA).

We have heard from some (Fitzgerald I think) that owner-operators are one of the main customer's for glider vehicles. Yet from the information we have heard from OOIDA in the past, most of their customers purchase used vehicles because of the high price of new, and as far as Chuck and I have been able to tell by looking at glider vehicle prices on line, it seems like glider prices are not that different from a new vehicle.

As background, attached are 3 documents from the 2014 time frame regarding OOIDA. During 2014-2016 during the development of the Phase 2 rule I had nearly monthly calls with OOIDA, and both Chuck and Matt joined me for many of those calls. 2 of the attachments are from OOIDA which is a survey of their members, including historical results from their survey. The 3rd document is from an August 2014 call we had with OOIDA, where we sent questions in advance, and OOIDA provided us the answers in advance of the call.

Thanks

Bill

To: Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Sun 10/22/2017 1:23:04 PM
Subject: FW: Request for Glider Data: This email contains CONFIDENTIAL BUSINESS INFORMATION
Ex. 4 - CBI FOR EPA - CBI - 20171020.xlsx

From: david.kayes@daimler.com [mailto:david.kayes@daimler.com]
Sent: Friday, October 20, 2017 6:35 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: sean.waters@daimler.com
Subject: RE: Request for Glider Data

Bill, Chuck:

Ex. 4 - CBI

Hopefully this answers your questions. If not, please let me know.

All information here is CBI.

Regards,
Dave

David Kayes
Compliance and Regulatory Affairs
Daimler Trucks North America LLC, Office TEC 1A, Portland
Office Phone 503-745-9162
Mobile Phone 503-265-9838
Email David.Kayes@Daimler.com

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, October 20, 2017 12:00 PM
To: Waters, Sean (164) <sean.waters@daimler.com>; Kayes, David (164) <david.kayes@daimler.com>
Cc: Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Request for Glider Data

Dear Sean and David –

Thank you to David for the time he was able to spend with Chuck, myself and others from the EPA Ann Arbor team on the glider topic ahead of the EMA meeting.

I know that David was working on the questions we had provided to see what information DTNA can provide to EPA.

Can you provide us with a status update on this request?

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: sean.waters@daimler.com [mailto:sean.waters@daimler.com]
Sent: Friday, October 06, 2017 5:10 PM
To: Moulis, Charles <moulis.charles@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; david.kayes@daimler.com

Subject: RE: Request for Glider Data

Chuck,

I won't be at the meeting next week, but I alerted David Kayes that if you can find time to meet with each other and discuss this topic face to face, that would be good. Unfortunately, I won't have any information by next week, but let me look at the requested information next week and see what we might have and/or are able to provide.

Sean

From: Moulis, Charles [mailto:moulis.charles@epa.gov]
Sent: Wednesday, October 04, 2017 1:52 PM
To: Waters, Sean (164) <sean.waters@daimler.com>
Cc: Charmley, William <charmley.william@epa.gov>
Subject: Request for Glider Data

Sean,

As you know, we have been asked to revisit our requirements for glider vehicles. Although, this is likely to focus on authority issues, we will have to analyze both environmental and economic impacts of any changes – and that will require us to have a thorough understanding of the recent glider market. We were hoping that Daimler could help us in this respect. Here is the list of questions the team came up with:

1. What is the total glider tractor volume Daimler will be providing to customers for 2017?

2. What historical volume information for glider tractors can Daimler provide EPA?

3. How many dealerships will you provide glider tractors to in 2017, and what is the break-down of volumes versus dealership?

4. Are their entities other than dealerships to which Daimler sells glider tractors? What are the volumes?

5. What engine information is provided to Daimler when a glider kit is ordered? For example, do you typically know the original engine make and model year, and/or other model/configuration information? Do you have volume break-downs at the level of engine make and model year for 2017 production? Earlier production?

6. Does Daimler have emissions data on either the glider vehicles or the rebuilt engines which go into glider vehicles?

Could you help us answer any of these questions, especially the first one? If you're going to be here for the EMA meeting next Tuesday, perhaps you might have time to discuss these issues.

Thanks.

Chuck

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

To: Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 9:24:19 PM
Subject: FW: HD glider rescission rule

Dear all –

I am sure on Monday we will receive a copy of what EPA transmitted.

Thank you to everyone for working on this over the past several weeks.

Bill

From: Hengst, Benjamin
Sent: Friday, October 20, 2017 5:22 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: HD glider rescission rule

The HD glider rescission rule has been uploaded, evidently. We had not heard whether it was going to happen or not but Tia just heard from OP that it happened.

Tia is working now to get the version that was transmitted to OMB. We will circulate it just so we know where things stand.

According to Chad at OMB, we should expect a request for a briefing on it early next week, and perhaps a specific call on legal issues.

Ben

To: Cullen, Angela[cullen.angela@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 6:17:52 PM
Subject: if either of you are still in the office, please give me a call. I just want you to know there isn't anything we need to do on gliders today, as far as I know. I'm on my mobile number, Ex. 6 - Personal Privacy

From: Gonzalez, Gail
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code: Ex. 6 - Personal Privacy
Start Date/Time: Mon 2/12/2018 6:05:00 PM
End Date/Time: Mon 2/12/2018 6:55:00 PM

New call-in numbers

To: Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Sargeant, Kathryn
Sent: Thur 11/2/2017 4:48:38 PM
Subject: RE: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Thursday, November 02, 2017 12:47 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Nov 2, 2017, at 12:36 PM, Sargeant, Kathryn <sargeant.kathryn@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Hengst, Benjamin
Sent: Thursday, November 02, 2017 12:28 PM
To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: Revised draft of gliders NPRM

All – see below.

Ex. 5 - Deliberative Process; Attorney Client

Ben

From: Harlow, David
Sent: Thursday, November 02, 2017 12:14 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Revised draft of gliders NPRM

All,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: McDonald, Joseph[McDonald.Joseph@epa.gov]
Cc: Olechiw, Michael[olechiw.michael@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Choi, David[Choi.David@epa.gov]
From: Hoyer, Marion
Sent: Sat 1/27/2018 5:43:09 PM
Subject: RE: ASD - AEMD Research Coordination

I think Rafal will be best to discuss the program overall.

From: McDonald, Joseph
Sent: Thursday, January 25, 2018 1:39 PM
To: Hoyer, Marion <hoyer.marion@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: RE: ASD - AEMD Research Coordination

Marion,

Sounds good. I can contact George Mitchell and Tony Fernandez about covering Not Responsive gliders. I will also see if Tom can give an update on Not Responsive Not Responsive

Regards,

Joe

Joseph McDonald

U.S. EPA

ORD/NRMRL & OAR/OTAQ

Mail Stop: 236

26 W. Martin Luther King Dr.

Cincinnati, Ohio 45268 USA

Telephone (USA): 513-569-7421

Cellular Telephone: 513-316-2380

E-mail: mcdonald.joseph@epa.gov

From: Hoyer, Marion
Sent: Thursday, January 25, 2018 1:24 PM
To: McDonald, Joseph <McDonald.Joseph@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: RE: ASD - AEMD Research Coordination

We can cover **Not Responsive** glider work).

It would be good to hear from NRMRL about any ongoing work or work Tom sees ahead for the lab.

Thanks so much!

Marion

From: McDonald, Joseph
Sent: Wednesday, January 24, 2018 9:51 AM
To: Hoyer, Marion <hoyer.marion@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: ASD - AEMD Research Coordination

Marion,

Are there any particular topics that you or the other center directors would like to cover during the February meeting? I think AEMD would like hear updates on **Not Responsive** and the diesel glider testing at NVFEL.

Regards,

Joe

Joseph McDonald

U.S. EPA

ORD/NRMRL & OAR/OTAQ

Mail Stop: 236

26 W. Martin Luther King Dr.

Cincinnati, Ohio 45268 USA

Telephone (USA): 513-569-7421

Cellular Telephone: 513-316-2380

E-mail: mcdonald.joseph@epa.gov

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Thur 11/2/2017 3:29:19 PM
Subject: Next steps today for sending a clearance package to OIRA on the glider repeal NPRM

Dear all –

Ex. 5 - Deliberative Process

I believe our (OTAQ) responsibility is;

- Insert a point of contact

o I should have explained in my previous email that it has already been decided that the contact for this action will be someone in OTAQ, and therefore someone in ASD. I am presuming that Chuck and Christy will figure this out ASAP. If you need me to make a decision than please let me know.

- Provide more definition, including a specific date, and if possible a location, for the public hearing. I think it is up to us, so if we want this to be on say Wednesday, November 29, or Thursday, November 30, I think that is okay.

We will also need to create a redline/strikeout version for OIRA. I believe that Ben or Tia will send the document back to OIRA on behalf of EPA later today, and we will request clearance on that version.

I don't believe that signature will happen today, but I think we should be prepared that signature could happen on Friday.

Thanks

Bill

From: Charmley, William
Sent: Thursday, November 02, 2017 10:10 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov) <sargeant.kathryn@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Who within ASD will be the Point of Contact for the glider rescind NPRM?

Dear all,

Have you decided who would be the EPA point of contact listed in the FR notice for the glider repeal/rescind proposal?

Thanks

Bill

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Wed 11/1/2017 10:04:19 PM
Subject: HDC - Glider #2 - HD Glider Testing Update 01NOV2107

Team,

Glider #2 arrived at the lab this afternoon. We have begun the work to get it ready for the dyno and we are on pace to complete the work tomorrow. Our goal is to get the vehicle on the dyno and complete the road load derivations for both sets tomorrow.

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]
From: Moulis, Charles
Sent: Wed 11/1/2017 9:41:39 PM
Subject: HD Chassis Glider testing report - CM2
HD Chassis Glider testing report - CM2.docx

To: Cullen, Angela[cullen.angela@epa.gov]
From: Helfand, Gloria
Sent: Mon 10/30/2017 5:57:13 PM
Subject: RE: Revised draft of glider NPRM

Thank you, Angela. Very interesting. I'll send this along to Ken as well, Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Gloria Helfand, Ph.D.

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

(734) 214-4688

From: Cullen, Angela
Sent: Monday, October 30, 2017 1:11 PM
To: Helfand, Gloria <helfand.gloria@epa.gov>
Subject: FW: Revised draft of glider NPRM

I just wanted to be sure that you saw this, especially the excerpt below.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Parsons, Christy
Sent: Monday, October 30, 2017 1:00 PM
To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Revised draft of glider NPRM

The comparison between the version sent to OMB and the version sent out most recently is now on SharePoint, as well as attached here.

Christy

From: Parsons, Christy
Sent: Monday, October 30, 2017 12:46 PM
To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Christy

From: Charmley, William
Sent: Monday, October 30, 2017 10:43 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: Revised draft of glider NPRM

Dear all –

Please disregarding the version I sent about 30 minutes ago which was from Friday, as this morning we received this new version from David Harlow.

If it is possible to create a redline/strikeout of this that would be helpful.

Thanks

Bill

From: Dunham, Sarah
Sent: Monday, October 30, 2017 10:40 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

From: Harlow, David
Sent: Monday, October 30, 2017 10:33 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

FYI. This new version has also been circulated separately to the relevant ARLO folks (*i.e.*, David and Mark).

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Monday, October 30, 2017 10:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator

Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

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[1] 81 FR 73478 (October 25, 2016).

To: Cullen, Angela[cullen.angela@epa.gov]
From: Hart, Connie
Sent: Fri 1/26/2018 6:29:30 PM
Subject: RE: NNTO: Just so that it does not fall off the list - you should distribute Division meeting glider briefing for review before 1/31. Thanks!
Glider Testing on HD Chassis for ASD.pptx

I think it is pretty done now. Who do you want this reviewed by? Please see attached.

Thanks,

Connie

From: Cullen, Angela
Sent: Thursday, January 25, 2018 4:45 PM
To: Hart, Connie <hart.connie@epa.gov>
Subject: NNTO: Just so that it does not fall off the list - you should distribute Division meeting glider briefing for review before 1/31. Thanks!

To: Ludlam, Scott[Ludlam.Scott@epa.gov]; Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Laroo, Chris
Sent: Fri 10/6/2017 11:36:36 AM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Scott,

Ex. 5 - Deliberative Process

Regards,

Chris Laroo

Environmental Protection Specialist

US Environmental Protection Agency

Office of Transportation and Air Quality

Assessment and Standards Division

2000 Traverwood Dr.

Ann Arbor, MI 48105

(734) 214-4937

(734) 214-4055 (fax)

Email: laroo.chris@epa.gov

From: Ludlam, Scott
Sent: Thursday, October 05, 2017 6:21 PM
To: Hart, Connie <hart.connie@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Team,

Today we successfully ran a road load derivation for each of the vehicle configurations on Glider #1. We then began running the "hot start" tests in the test plan and completed the following:

•□□□□□□□ WHVCwu_WHVC - Bag, continuous dilute, continuous raw and PM emissions

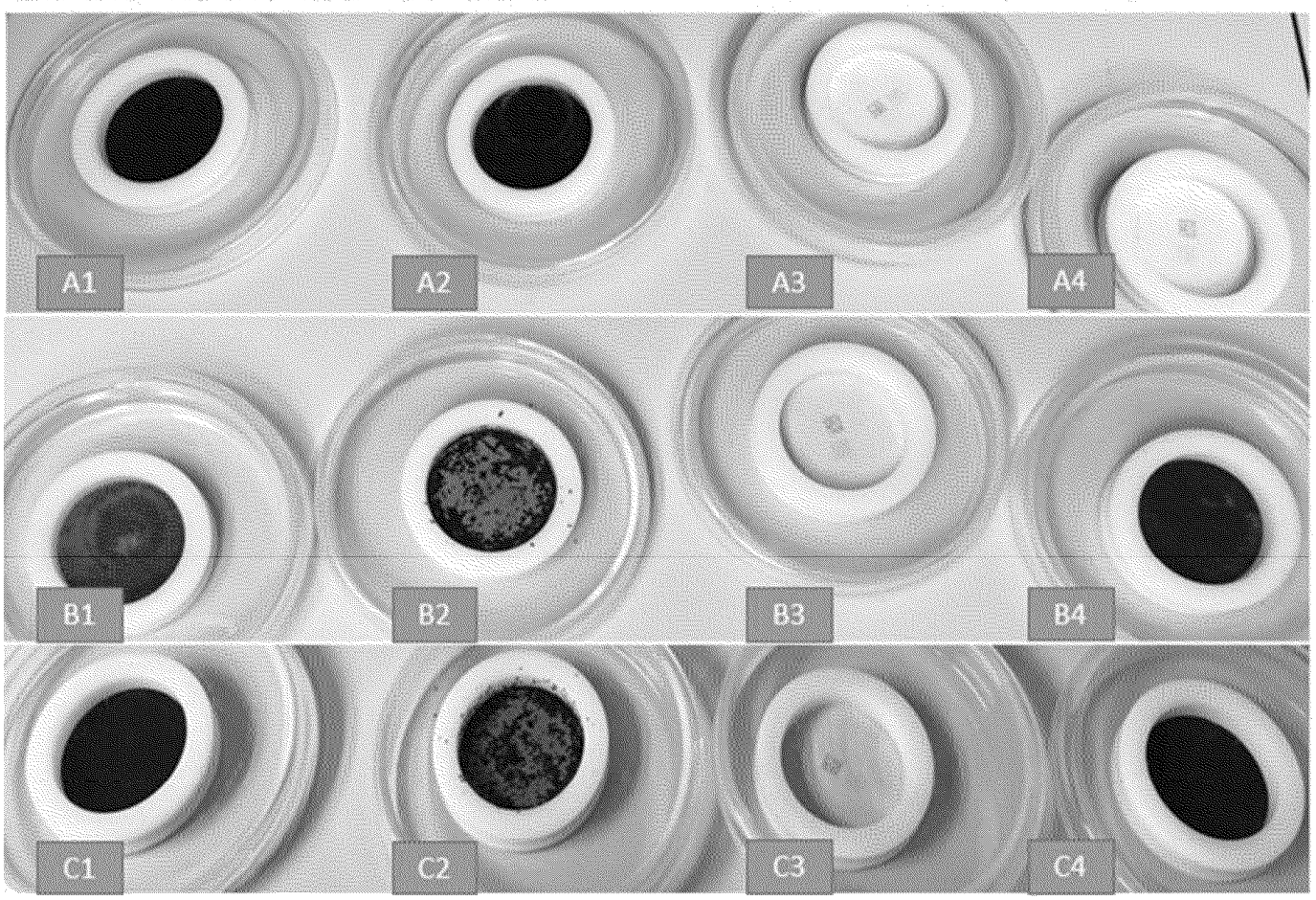
•□□□□□□□ Super Cycle - Bag, continuous dilute, continuous raw and PM emissions

Test data has been uploaded without PM results to I:\Project\LODASD01\HD Chassis Testing\Data\Glider Test Plan

At the end of the Super Cycle we came across an issue that we have not encountered yet. There

was so much PM that DLSA alarmed during phase 2 and appeared to not sample phase 3 and 4. On DLS B and C, the PM appears to have dried and broken apart. We will have to add a secondary dilution flow for future tests but I am unsure on how much to add. Does anyone have an opinion on how much secondary dilution we should add? I have asked Garrett to wait for feedback tomorrow morning before starting the cold start HD UDDS test. I will not be in tomorrow, so please reach out to Garrett directly. Below is a picture of the filters.

Glider #1 – Super Cycle Test – 05OCT2017



The plan for tomorrow will be to run the following tests:

•□□□□□□□ Cold start HD UDDS_20min hot soak_HD UDDS_20min hot soak_HD UDDS_45min Idle

- □□□□□□□ WHVCwu_WHVC
- □□□□□□□ Super Cycle

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Wed 10/4/2017 7:09:56 PM
Subject: FW: short discussion I had today with Dan Kieffer from PACCAR

From: Charmley, William
Sent: Saturday, September 30, 2017 8:28 AM
To: Moulis, Charles <moulis.charles@epa.gov>; 'Angela Cullen' <Cullen.Angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov) <sargeant.kathryn@epa.gov>
Subject: RE: short discussion I had today with Dan Kieffer from PACCAR

Dear all –

As a follow-up to our discussion on Thursday afternoon regarding the trailer/glider compliance date delay NPRM, I wanted to circulate this email from August to members of the team.

Chuck – when you reach out to both Dan Keiffer (PACCAR) and separately to Sean Waters (DTNA) to ask for a technical discussion on gliders with each company on October 10 (or the day before or after, depending on each companies availability), we should ask the companies for

1. **What is the total glider tractor volume they estimate they will be providing to customers in 2017?**

2. What historical volume information for glider tractors can they provide EPA?

3. How many dealerships will they provide glider tractors to in 2017, and what is the break-

down of volumes versus dealership?

4. Are their entities other than dealerships which the OEMs sell glider tractors to?

5. Do the OEMs have information on the number of entities the glider tractors are sold to beyond the dealerships, and what are the volume breakdowns for those entites?

6. What do they know regarding the engine model year, make of the engine, and model of the engine for the glider tractors they provide to their dealers. Do they have volume break-downs at the level of engine model year and made (e.g., would they know that in 2016, they produced Y glider tractors for Model year 2001 Cummins ISX's, and Z for Model year 2000 ISXs, and Y for model year 2001 Caterpillar C15s, etc.)?

7. Do the OEMs have emissions data on either the glider vehicles or the rebuilt engines which go into glider vehicles?

I am sure there are other questions the team will come up with. I don't expect that PACCAR or DTNA will have all of this information available for October 10, but they can discuss with us what types of information they do have. **I do expect them to provide to us on October 10 the answer to question #1 above, as it seems clear they must either already know, or at least have a very solid estimate, since there are only 3 more months of build dates left.**

Thanks

Bill

From: Charmley, William
Sent: Friday, August 18, 2017 10:03 AM
To: Moulis, Charles <moulis.charles@epa.gov>; Angela Cullen <Cullen.Angela@epa.gov>
Subject: short discussion I had today with Dan Kieffer from PACCAR

Chuck and Angela,

I wanted to make sure I sent around a few #s that Dan provided me today. He called to ask about yesterday's announcements on gliders – which PACCAR's senior leadership heard aboWhut yesterday afternoon from Tommy Fitzgerald

These numbers may not be exact, Dan was giving me approximate numbers.

Ex. 4 - CBI

As we develop a plan for this rulemaking, I am sure that PACCAR would be willing to meet with OTAQ and provide additional information regarding the market as PACCAR sees it.

Thanks

Bill

To: Ludlam, Scott[Ludlam.Scott@epa.gov]; Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Mitchell, George
Sent: Wed 10/4/2017 1:05:09 PM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 04OCT2107

Ex. 5 - Deliberative Process

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

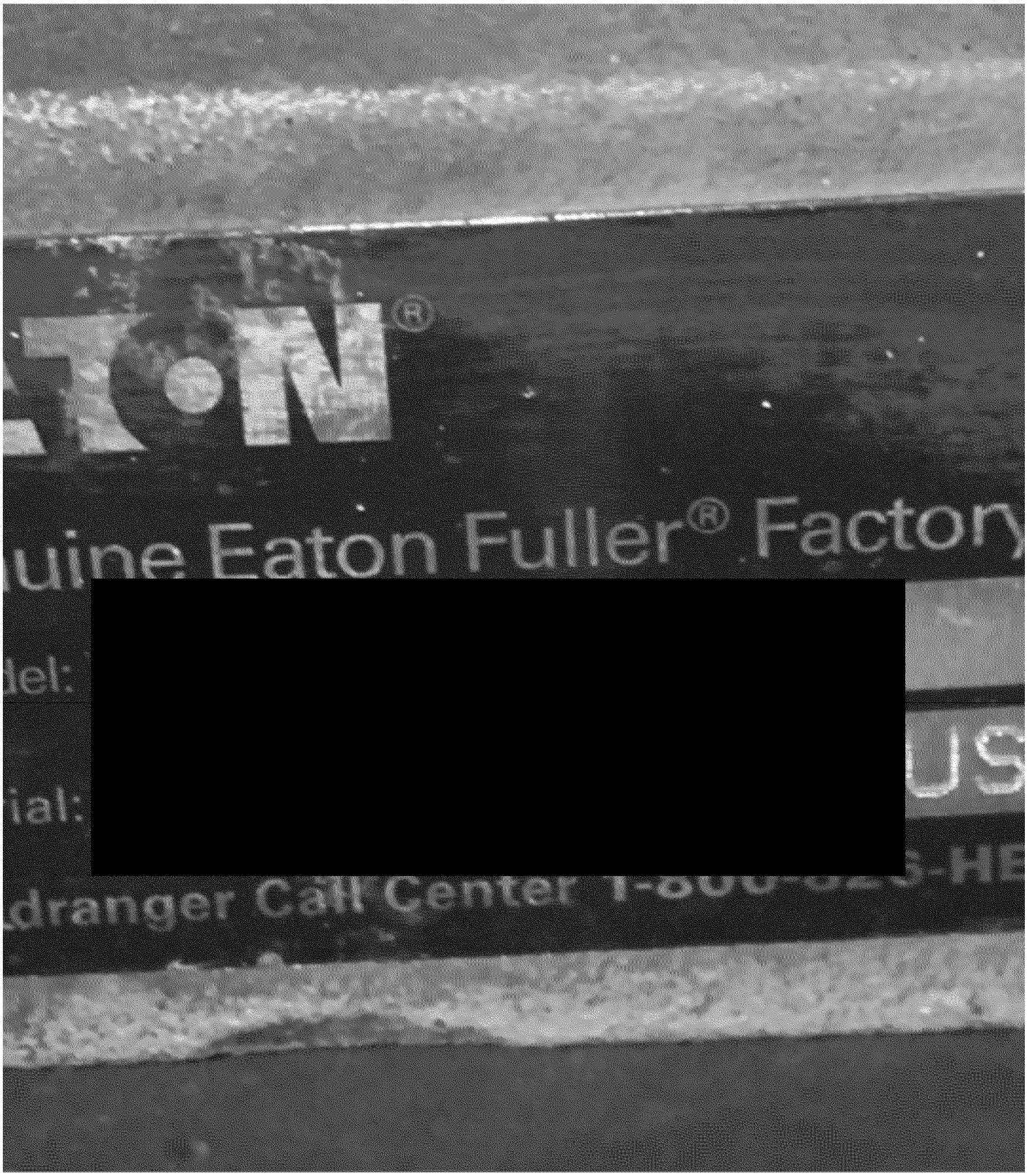
From: Ludlam, Scott
Sent: Wednesday, October 04, 2017 8:07 AM
To: Hart, Connie <hart.connie@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: HDC - Glider #1 - HD Glider Testing Update 04OCT2107

Team,

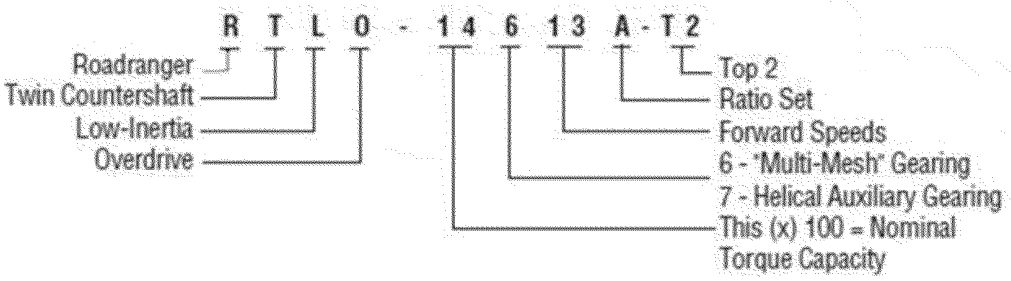
Glider #1 arrived at the lab yesterday afternoon and we began work on preparing it for the dynamometer. There is a significant amount of fabrication required to set up the exhaust for our site and that work is currently in process. We have already drained the fuel it arrived with and we will complete the fuel change procedure once the exhaust work is complete. The goal for today is get the truck on the dynamometer and perform the road load derivations on both configurations.

Tomorrow morning will be the first cold start test (Day 2) of the test plan.

Identification tags have been difficult to find but I was able to locate a tag for the transmission:


Eaton Fuller® Factory
[redacted]
dranger Call Center

Nomenclature



Gear Ratios

Range	Gear	RTLO-14613B		RTLO-XX713A	
		Ratios	% Steps	Ratios	%Steps
HI	8th H	.85 : 1	18	.73 : 1	17
	8th L	1.00	18	.86	17
	7th H	1.18	18	1.00	17
	7th L	1.39	18	1.17	18
	6th H	1.64	18	1.38	17
	6th L	1.94	18	1.62	21
	5th H	2.28	18	1.95	17
	5th L	2.70	40	2.29	41
LO	4th	3.78	39	3.23	37
	3rd	5.26	40	4.43	38
	2nd	7.34	39	6.11	42
	1st	10.20	44	8.64	42
	LO	14.71		12.31	
HI	Reverse-HI	3.89		3.50	
LO	Reverse-LO	14.71		13.22	

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Revelt, Jean-Marie
Sent: Wed 10/4/2017 12:30:57 PM
Subject: RE: communication between me and ACT Research

OK, thanks.

I got a bunch of cert reports and have to put them in a spreadsheet. I won't get to that until next week.

(Do we have access to an intern for this kind of work?)

* *

Jean Marie Revelt, PhD

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

2000 Traverwood

Ann Arbor MI 48105

tel: 734-214-4822

fax: 734-214-4816

From: Cullen, Angela
Sent: Wednesday, October 4, 2017 8:23 AM
To: Revelt, Jean-Marie <revelt.jean-marie@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: FW: communication between me and ACT Research

FYI. It does not seem like ACT is a path to additional information on gliders.

From: Li, Chi
Sent: Wednesday, October 04, 2017 8:20 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: communication between me and ACT Research

Hi Angela

Please forwarded.

From what Tam said below and Kenny, it seems to me that ACT Research only has a limited picture on Glide kits manufacturers, not a complete, or whole picture of industry profile.

Regards,

Chi Li

Office of Transportation & air quality

2000 traverwood Dr.

Ann arbor, MI 48105

Tel: 734 214 4336

Fax: 734 214 4050

From: Steve Tam [mailto:stam@actresearch.net]
Sent: Tuesday, October 03, 2017 5:03 PM
To: Li, Chi <Li.Chi@epa.gov>
Cc: kwvieth@actresearch.net

Subject: RE: question from EPA

Hi Chi,

As Kenny mentioned, we did some work in this space a number of years ago, actually late 2013. At that time, the glider kit industry was estimated at about 5,000 units per year. I have heard chatter that it may have spiked to somewhere between 6,000 and 8,000 units through 2016, though I do not have any definitive sources to corroborate the claim. The OEMs should be able to provide this info. To the best of my knowledge, Freightliner, Western Star, Kenworth and Peterbilt are the only OEMs who still produce glider kits.

The manufacturer that Kenny alluded to is Fitzgerald Glider Kits. They claim to produce more than 3,500 trucks per year. They are widely believed to be the largest single glider kit assembler in the country. After that, my understanding is that the market is pretty fragmented. WheelTime Network, Hoover's Truck, Cleveland Brothers, and Kustom Truck are some of the names I am familiar with, but there are dozens of players in the space. Many are repair facilities that assemble glider kits as a service. I don't have any insight on size, share or employment.

I am happy to chat more, but we have limited exposure to this segment of the market.

Regards,

Steve Tam

Vice President

ACT Research Co., LLC

4400 Ray Boll Blvd

Columbus, IN 47203

Phone: (812) 379-2085

Fax: (812) 378-5997

Keep on Truckin'

Be social with us!

From: Kenny Vieth [mailto:kwvieth@actresearch.net]
Sent: Monday, October 02, 2017 5:50 PM
To: 'Li, Chi' <Li.Chi@epa.gov>
Cc: stam@actresearch.net
Subject: RE: question from EPA

Hi Chi,

Doing well, thanks. I hope you are doing as well.

While we have paid some attention to the glider market in the periphery, as they are not building new trucks (per se), it is not a part of the industry to which we devote much time.

My colleague, Steve Tam, did some due diligence work a few years ago on the subject (~'13). My suspicion/recollection was that it was pretty narrowly focused on one provider, and the sustainability of gliders as a means to beat regulations (our argument was the cheating was ultimately unsustainable). We did not get that far into the competitive landscape.

While we may not have the answers at hand, I am often surprised by what Steve has tucked away on different subjects.

I will ask him to respond in the AM when he returns to the office.

All the best,

Kenny

Kenny Vieth

President & Senior Analyst

O: 812/379-2085 |C: 812/343-4356 | actresearch.net

ACT Research

From: Li, Chi [mailto:Li.Chi@epa.gov]
Sent: Monday, October 02, 2017 12:35 PM
To: kwvieth@actresearch.net
Subject: question from EPA

Hi Kenny

How are you? First, I would like to let you I am still working on the contract we previously talked. However, as Matt Spears left his position, our planned project might need some modifications.

For this email, I have another question for you. As you might know, EPA currently redo the Glider kid regulation in the HD GHG phase II. Does the ACT have the information on HD Glider kid manufactures? More specifically, information regarding the glider manufacturer industry characterization? For example, who are those manufacturers, type, sales for each of them, market shares, employment, etc?

Thanks!

Regards,

Chi Li, PhD in economics

Office of Transportation & air quality

2000 traverwood Dr.

Ann arbor, MI 48105

Tel: 734 214 4336

Fax: 734 214 4050

To: Cullen, Angela[cullen.angela@epa.gov]
From: Moulis, Charles
Sent: Thur 10/5/2017 1:02:24 PM
Subject: FW: Request for Glider Data

From: Dan Kieffer [mailto:Dan.Kieffer@PACCAR.com]
Sent: Wednesday, October 04, 2017 6:37 PM
To: Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Request for Glider Data

Chuck,

PACCAR will gather the data you requested below and provide the information and answers to EPA. I hope to be able to respond within a week on your request.

Would you please clarify what vehicle emissions data you are looking for in Question 6? Thanks.

Best regards,

Dan

From: Moulis, Charles [mailto:moulis.charles@epa.gov]
Sent: Wednesday, October 04, 2017 1:46 PM
To: Dan Kieffer
Cc: Charmley, William
Subject: Request for Glider Data

Dan,

As you know, we have been asked to revisit our requirements for glider vehicles. Although, this is likely to focus on authority issues, we will have to analyze both environmental and economic impacts of any changes – and that will require us to have a thorough understanding of the recent glider market. We were hoping that PACCAR could help us in this respect. Here is the list of questions the team came up with:

1. What is the total glider tractor volume PACCAR will be providing to customers for 2017?

2. What historical volume information for glider tractors can PACCAR provide EPA?

3. How many dealerships will you provide glider tractors to in 2017, and what is the break-down of volumes versus dealership?

4. Are their entities other than dealerships to which PACCAR sells glider tractors? What are the volumes?

5. What engine information is provided to PACCAR when a glider kit is ordered? For example, do you typically know the original engine make and model year, and/or other model/configuration information? Do they have volume break-downs at the level of engine make and model year for 2017 production? Earlier production?

6. Does PACCAR have emissions data on either the glider vehicles or the rebuilt engines which go into glider vehicles?

I know you already provided Bill an estimate of 2,900 glider kits you are selling to Fitzgerald in 2017, plus a few hundred more to other assemblers. Could you help us answer any of the other questions?

If you're going to be here for the EMA meeting next Tuesday, perhaps you might have time to discuss these issues.

Thanks.

Chuck

To: Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Storhok, Ines[storhok.ines@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Thur 8/17/2017 6:57:39 PM
Subject: response letters to TTMA, and to glider petitioners, are attached and were sent via email a few minutes ago
August 17 2017 Letter to Truck Trailer Manufacturers Association.pdf
Signed - Letter to Fitzgerald - Gliders.pdf
Signed - Letter to Keener - Gliders.pdf
Signed - Letter to Peterson - Gliders.pdf

Attached are the final letters that just got sent out.

To: Laroo, Chris[laroo.chris@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Sanchez, James
Sent: Wed 11/29/2017 6:02:06 PM
Subject: RE: TTU Follow-Up 11-28-2017

I am done reviewing.

From: Laroo, Chris
Sent: Wednesday, November 29, 2017 12:18 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: TTU Follow-Up 11-28-2017

Angela,

I had some substantive comments and a few require your review and approval.

Regards,

Chris Laroo

Environmental Protection Specialist

US Environmental Protection Agency

Office of Transportation and Air Quality

Assessment and Standards Division

2000 Traverwood Dr.

Ann Arbor, MI 48105

(734) 214-4937

(734) 214-4055 (fax)

Email: laroo.chris@epa.gov

From: Cullen, Angela
Sent: Wednesday, November 29, 2017 10:42 AM
To: Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: RE: TTU Follow-Up 11-28-2017

Please review and edit as necessary the draft responses located at I:\Project\GHG Heavy Duty Truck Rule Phase 2\01 Reconsideration NPRM\Draft Responses to Tenn Tech 11_28_2017 email.docx

When you are done, then please let me know. We will then forward it to Bill and Kathryn.

Thanks!

From: Charmley, William
Sent: Tuesday, November 28, 2017 4:11 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: FW: TTU Follow-Up 11-28-2017

Dear Angela, Brian, and George –

Please see these questions below from Tom Brewer at Tennessee Tech.

Can we draft written responses to these questions that we can provide to Tennesse Tech in the next week – say by Friday?

Ex. 5 - Deliberative Process

Let me know your thoughts on this once you have all had a chance to review these and discuss the best course of action.

I think the questions are responsible, and we should provide responses in writing, and offer to

have a call with TTU.

Thanks

Bill

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, November 28, 2017 3:40 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: TTU Follow-Up 11-28-2017

Bill ….

The Tennessee Tech Emissions Testing Team has reviewed the EPA document ' Chassis Dynamometer Testing of Two Recent Model Heavy – Duty On – Highway Diesel Glider Vehicles ' dated November 20, 2017 and would like to ask some detailed follow up /

clarification questions that might help us better understand your methods / choices and be useful in completing our Phase II and III testing.

➢· The tested Gliders 2016 & 2017 were 'loaned' vehicles, with 179,273 and 30,600 miles respectively. Why were these Gliders chosen to test instead of a newly refurbished / remanufactured glider engine from a rebuilder? It is our understanding of how the EPA tests OEM Heavy Duty Engines for the EPA Certification process.

➢· Who loaned the two Glider vehicles ?

➢· Our understanding is that Fitzgerald and other glider assemblers sell many options to customers, including KIT ONLY, customer supplied engines, and factory remanufactured engines from Cummins and Detroit Diesel. Can you please provide the VIN #s to allow us to determine the engine set-up ?

➢· Did you verify that the ECM's were set to the engine rebuilder's specifications ? … or did you verify that the ECMs had not been modified, altered, or tampered with prior to testing ?

➢· Did you leak test the cylinders, verify boost, or verify the fuel maps for the test ?

➢· Were the gliders and the 'other recent model trucks' tested on the same day ? … or was the comparison data pulled from existing test outcomes for the 'other trucks ' ?

➢· Did all four test vehicles have the exact same operating fluids (fuel / oil / coolant etc) ? If different, please provide the operating fluid information for all four vehicles.

➢· Why were the Glider Kits emissions compared to ' other recent model trucks' instead of the 2010 EPA Clean Air Act Emissions Standards ?

➢· Why is the Particulate Matter reflected in milligrams per mile instead of the standard g/bhp-hr ? … and why are the others reflected in per mile increments ?

➢· What was the fuel economy on the 'other recent model trucks ' ?

➢· Can you provide the equivalents to Tables 12-13-14 for the 'other recent model trucks' ?

➢· While repairing Glider #1 and testing it 'as-is' may be representative of the real world performance, have any OEM trucks been tested in similar conditions ? If so, what were the results ?

➢· Given the condition of Glider #1, is it fair to say the glider vehicles were pulled off the road and tested 'as-is' ? Were the two OEM s used for comparison also pulled off the road and tested 'as-is' ?

➢· The test fuel used in this program met EPA Highway Certification diesel fuel specifications in 40 CFR part 1065 as stated in Table 2. Further the gliders went through a triple drain and flush procedure shown in Table 3 to ensure the engines were performing on the Test Fuel. Can you provide the fuel properties for the two comparison vehicles and the original test dates for those vehicles ?

A response this week would be greatly appreciated and thank you so much for your continued cooperation.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Tue 11/21/2017 7:25:13 PM
Subject: FW: Glider Testing

This was the email I mentioned yesterday on gliders.

From: Berry Steve [mailto:steve.berry@volvo.com]
Sent: Thursday, November 16, 2017 11:16 AM
To: Cullen, Angela <cullen.angela@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Glider Testing

Hello Angela and Bill

That's good news, Angela. Thank you.

Does EPA have an interest to test Glider 3, probably a reman engine rather than Fitzgerald Special?

Also, are you planning to make the data available? When ?

Finally, have you gotten a copy of the TN Tech report? Does EPA intend to request it?

Steve

From: Cullen, Angela [mailto:cullen.angela@epa.gov]
Sent: Thursday, November 16, 2017 11:05 AM
To: Berry Steve; Tim.Schimmel@mktruck.com
Subject: RE: 2nd Glider

Tim and Steve,

We are planning to complete our testing of the second glider today. Therefore, the vehicle would be available for pickup tomorrow or any day after that. We do not have staff on-site during the weekend or on Thursday, Nov. 23, but any other day would work. Please let me know what works best for you. I will be out of the office tomorrow, so please feel free to use Connie Hart as a contact. She can be reached at 734-214-4340 or hart.connie@epa.gov.

Again, thank you very much for all of the work that you put into this project so that we could test these two gliders.

Angela

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To: Cullen, Angela[cullen.angela@epa.gov]
From: Tim Schimmel
Sent: Tue 11/21/2017 6:17:34 PM
Subject: Re: 2nd Glider

It was scheduled for today to be picked up.
Thank you

Sent from my iPhone

On Nov 21, 2017, at 1:13 PM, Cullen, Angela <cullen.angela@epa.gov> wrote:

Hi Tim,

I was just made aware that our HD staff will not be in the office after about 1:00-2:00 on Wednesday. Therefore, we would appreciate it if you would not try to pick up the truck on Wednesday afternoon. However, if this is the time that you have already coordinated with your drivers, then please let me know and I will find others here that could handle the pickup.

Thank you,

Angela

From: Cullen, Angela
Sent: Thursday, November 16, 2017 11:15 AM
To: 'Tim Schimmel' <Tim.Schimmel@mktruck.com>; Berry Steve <steve.berry@volvo.com>
Subject: RE: 2nd Glider

Thank you!

From: Tim Schimmel [mailto:Tim.Schimmel@mktruck.com]
Sent: Thursday, November 16, 2017 11:11 AM
To: Cullen, Angela <cullen.angela@epa.gov>; Berry Steve <steve.berry@volvo.com>

Subject: RE: 2nd Glider

All my drivers are out till Monday. We will get it then.

Tim Schimmel | New Truck Sales Manager

<image001.jpg>

M&K Truck Centers

8800 Byron Commerce Dr | Byron Center, MI 49315

main: 616.583.2100 | direct: 616.583.3039

mobile: 616.437.1263 | fax: 616.583.3070

tim.schimmel@mktruck.com

mktruckcenters.com

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From: Cullen, Angela [mailto:cullen.angela@epa.gov]
Sent: Thursday, November 16, 2017 11:05 AM
To: Berry Steve; Tim Schimmel
Subject: RE: 2nd Glider

Tim and Steve,

We are planning to complete our testing of the second glider today. Therefore, the vehicle would be available for pickup tomorrow or any day after that. We do not have staff on-site during the weekend or on Thursday, Nov. 23, but any other day would work. Please let me know what works best for you. I will be out of the office tomorrow, so please feel free to use Connie Hart as a contact. She can be reached at 734-214-4340 or hart.connie@epa.gov.

Again, thank you very much for all of the work that you put into this project so that we could test these two gliders.

Angela

From: Berry Steve [mailto:steve.berry@volvo.com]
Sent: Monday, October 23, 2017 7:25 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: 2nd Glider

FYI

From: Tim Schimmel [mailto:Tim.Schimmel@mktruck.com]
Sent: Monday, October 23, 2017 7:23 AM
To: Berry Steve
Cc: Alt Susan
Subject: Re: 2nd Glider

It will probably be next week Monday for delivery. Will give you a update later in the week.
Thanks

Have a great day!

Sent from my iPhone

On Oct 23, 2017, at 7:20 AM, Berry Steve <steve.berry@volvo.com> wrote:

Hi Tim

Sorry, I don't know how I missed this coming in Friday afternoon. EPA ready to move forward with #2.

Steve

From: Cullen, Angela [mailto:cullen.angela@epa.gov]
Sent: Friday, October 20, 2017 4:09 PM
To: Berry Steve
Subject: RE: 2nd Glider

That sounds great.

We really appreciate your help with this.

Thank you,

Angela

From: Berry Steve [mailto:steve.berry@volvo.com]
Sent: Friday, October 20, 2017 10:19 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: 2nd Glider

Hi Angela

Glider #2 ! Not a remanufactured engine as we had targeted, but another Fitzgerald rebuild.

Move forward?

From: Tim Schimmel [mailto:Tim.Schimmel@mktruck.com]
Sent: Friday, October 20, 2017 9:37 AM
To: Berry Steve
Cc: Alt Susan
Subject: 2nd Glider

Fitzgerald Glider w 30,000 miles

2017 579 Pete Aero. Just released this year as a aero glider.

Detroit 12.7 500 Fitzgerald Rebuild.

10 speed

Next Friday I can pick it up.

Tim Schimmel | **New Truck Sales Manager**

<image001.jpg>

M&K Truck Centers

8800 Byron Commerce Dr | Byron Center, MI 49315

main: 616.583.2100 | direct: 616.583.3039

mobile: 616.437.1263 | fax: 616.583.3070

tim.schimmel@mktruck.com

mktruckcenters.com

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To: Moulis, Charles[moulis.charles@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Laroo, Chris[laroo.chris@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Fri 11/24/2017 3:35:51 PM
Subject: FW: Tennessee Tech University - Follow Up
EPA-HQ-OAR-2014-0827-2417.pdf
EPA-HQ-OAR-2014-0827-2416.pdf

From: Charmley, William
Sent: Wednesday, November 22, 2017 12:24 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Subject: RE: Tennessee Tech University - Follow Up

John –

The staff have just finished up the technical memo documenting the results we have from the two glider vehicles we have tested on Monday. A copy of that memo is attached. It includes a comparison to 2 tractors we have tested recently that have engines certified to EPA's more recent model year engine emission standards.

I have also attached the final version of the EPA staff memo which includes the information that TTU shared with us recently on our phone call.

If you have any questions regarding the EPA test program please let me know. If you would like to arrange another phone call we can do that as well.

I hope you have a nice Thanksgiving.

Sincerely,

Bill

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, November 21, 2017 1:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Re: Tennessee Tech University - Follow Up

Should have asked in my earlier questions ....

Can you share your results for the two Glider Kits tested in your lab ?

Thanks

Tom Brewer

Sent from my iPhone

On Nov 21, 2017, at 10:16 AM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Tom,

Thank you for sending us the emissions testing data. I have shared it with the staff, and if we have any questions we will circle back with you.

Regarding your two questions. Thus far we have tested two glider tractors here at the EPA laboratory in Ann Arbor. Both were tested this fall, the second vehicle we just finished last week.

•□□□□□□□□ The first glider vehicle tested was a 2016 MY Peterbilt 389 Glider-Sleeper with a Fitzgerald-rebuilt 12.7 L Detroit Diesel Series 60 engine with 500 horsepower, an Eaton 13 speed manual transmission, and 3.55 rear axle ratio. The engine did not have an EPA emission label, but did have a Fitzgerald placard. It is believed to have been remanufactured from an engine originally certified between model years 1998 and 2002. It included electronically-controlled fuel injection, but not exhaust gas recirculation or any exhaust aftertreatment. The odometer read 179,273 miles at the start of testing.

•□□□□□□□□ The second glider vehicle tested was a 2017 MY Peterbilt 579 Glider-Sleeper cab tractor with a Fitzgerald-rebuilt 12.7 L Detroit Diesel Series 60 engine with 500 horsepower, and an Eaton RTX-16710B 10 speed manual transmission. The engine in this vehicle did not include an EPA emission label, but did have a Fitzgerald placard. Similar to the Peterbuilt 389, the engine is believed to have been remanufactured from an engine originally certified in between model years 1998 and 2002. It included electronically-controlled fuel injection, but not exhaust gas recirculation or any exhaust aftertreatment. The vehicle had approximately 30,600 miles at the start of testing.

The test fuel used in this program met the EPA highway certification diesel fuel specifications in 40 CFR part 1065.703 (See https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=d2883dbfa8638c8a14824ff593cff73c&mc=true&n=sp40.37.1065.h&r=S

For the fuel used in testing, the fuel properties can be found in the table below.

EPA Diesel Test Fuel Specifications

EPA Test Fuel Name	ALPHA	BETA	Cetane	Net Heating Value (BTU/lb)	Carbon Weight Fraction	Sulfur (ppm)	Specific Gravity
Federal Cert Diesel 7-15 ppm Sulfur	1.78	0	44.3	18406	0.8699	8.4	0.8536

Thanks again for your assistance, and please let me know if you have any additional questions.

Sincerely,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Friday, November 17, 2017 3:43 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Tennessee Tech University - Follow Up

Bill …. Per your request for the TTU Heavy Duty Truck Emissions Field Testing results ….. please see the attached details of the data for the (15) vehicles.

And to follow up from our Conference Call, the minutes you sent for us to review are accurate !

Lastly, TTU is requesting two pieces of information from the EPA :

- Specifications (Cetane Rating etc) for the Fuel used in Emissions Testing at the EPA Ann Abor Lab

- How many / What Make and Model of Glider Kits are you currently testing ?

Thank you so much and don't hesitate contacting me for further information.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Nelson, Brian[nelson.brian@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Fri 1/5/2018 3:46:01 PM
Subject: FW: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Dear all –

This is for future reference. In this note below, Scott Grenerth from OOIDA informed me that he will no longer be working with OOIDA as of January 2.

Scott recommends that our first point of contact at OOIDA should be;

Mike Matousek, Director of Government Affairs

And also Nile Elam, who I believe works in D.C.

Thanks

Bill

From: Scott Grenerth [mailto:Scott_Grenerth@ooida.com]
Sent: Thursday, December 28, 2017 10:58 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Draft EPA memo summarizing the EPA conference call with OOIDA held on

November 14, 2017

That works just fine Bill. Thank you.

While I'm thinking of it I wanted to let you know I'm moving back to NW Ohio and my last day at OOIDA will be Jan 2nd. The company I'll be working for is actually based in Detroit and they work on truck parking. I'm very glad to be able to work on that issue. It even has environmental benefits if we can work to get parking as close to the driver's destination as possible so they don't have to spend rush hour stuck in gridlock traffic first thing in the morning.

I know you have Tom Weakley's email already. He is a great contact here along with Nile Elam. I believe you've also had contact with Mike Matousek. He's the Director of Government affairs and like Tom Weakley he's based here in Grain Valley, MO. Just in case, here's his email.

Mike Matousek mike_matousek@ooida.com

Scott

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, December 28, 2017 9:18 AM
To: Thomas Weakley <Tom_Weakley@ooida.com>; Scott Grenerth <Scott_Grenerth@ooida.com>; Nile Elam <Nile_Elam@ooida.com>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Dear Tom, Scott and Nile,

I apologize for the previous email attachment not working. Yesterday I moved all of my files to

the EPA Microsoft OneDrive system, and I'm still figuring a few things out.

Attached is the file again, and incase that doesn't work, I have copied the text into this email.

Best regards,

Bill

DRAFT

[Insert Date]

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Thursday, December 28, 2017 6:55 AM
To: 'Thomas Weakley' <Tom_Weakley@ooida.com>; Scott Grenerth <Scott_Grenerth@ooida.com>; 'Nile Elam' <Nile_Elam@ooida.com>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: Draft EPA memo summarizing the EPA conference call with OOIDA held on November 14, 2017

Dear Scott, Tom and Nile,

Thank you again to each of you for the time you spent on the phone with EPA on November 14, and for the follow-up information which Tom sent below.

We have drafted a memo to summarize the conference call which is attached. We will be putting the final version of this memo into the EPA public docket for the EPA glider reconsideration rulemaking.

Can you please review this draft and let us know if there is anything we missed from the November 14 call?

In addition, we would like to make the information that Tom provided from both the OOIDA members survey, and the 2017 Land Line survey, available by placing those in the EPA public docket as well. Please let us know if you have any concerns with that.

If you could provide us with any comments on this by the end of next week that would be great.

I hope you all have a good New Year.

Best regards,

Bill Charmley

From: Thomas Weakley [mailto:Tom_Weakley@ooida.com]
Sent: Tuesday, November 14, 2017 3:29 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: OOIDA Surveys

A whole lot more information than you need but a good profile of who the owner-operator is. I am also attaching the survey done for our marketing department for the magazine LandLine (Our magazine) with an articulated circulation of over 220,000. Not all of these respondents are members of OOIDA but they are the ones that ask about glider preference. Unfortunately they do not ask what regions of the country the respondents are from like we do so we are unable to drill down and give you the answer as to which regions are more likely to look at glider kits. I

highlighted the landline Survey questions and answers that are pertinent.

Thomas Weakley

Director of Operations, Foundation

OOIDA Foundation

OOIDA Foundation, Inc.

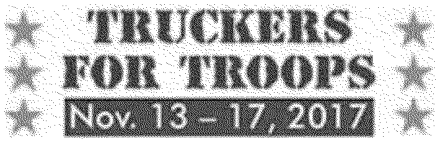
Toll Free 800-444-5791

Local 816-229-5791

Fax

Ext. 1123

tom_weakley@ooida.com



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To: Brewer, Tom[TBrewer@tntech.edu]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Fri 12/1/2017 8:58:38 PM
Subject: RE: TTU Follow-Up 11-28-2017

Tom –

I forgot one additional topic. We plan on placing the Q&A document with the TTU questions and EPA responses into the EPA docket for our glider rulemakings. First, because we are required to, but also because TTU has asked a number of good questions regarding the EPA test program, and other stakeholders may be interested in learning more about the EPA test program.

Thanks

Bill

From: Charmley, William
Sent: Friday, December 01, 2017 3:56 PM
To: 'Brewer, Tom' <TBrewer@tntech.edu>
Cc: Angela Cullen <Cullen.Angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: TTU Follow-Up 11-28-2017

Dear Tom,

Attached you will find responses to all of the questions you sent earlier this week. Please let us

know if you would like to schedule a call to discuss any of these topics.

My staff continues to assess the more detailed emissions data that you provided in the excel spreadsheet on November 17. We will let you know if we have any follow-up questions on that data. I have included two of my managers on this email – Angela Cullen and Brian Nelson, as well as one of the staff engineers who worked on the EPA testing, George Michell. Both Angela and George were on the November call with you. Brian is the manager for the Heavy-duty On-road and Nonroad Center.

Any of us would be happy to follow up with you or your team.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, November 28, 2017 3:40 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: TTU Follow-Up 11-28-2017

Bill ….

The Tennessee Tech Emissions Testing Team has reviewed the EPA document ' Chassis Dynamometer Testing of Two Recent Model Heavy – Duty On – Highway Diesel Glider Vehicles ' dated November 20, 2017 and would like to ask some detailed follow up / clarification questions that might help us better understand your methods / choices and be useful in completing our Phase II and III testing.

- The tested Gliders 2016 & 2017 were 'loaned' vehicles, with 179,273 and 30,600 miles respectively. Why were these Gliders chosen to test instead of a newly refurbished / remanufactured glider engine from a rebuilder? It is our understanding of how the EPA tests OEM Heavy Duty Engines for the EPA Certification process.

- Who loaned the two Glider vehicles ?

- Our understanding is that Fitzgerald and other glider assemblers sell many options to

customers, including KIT ONLY, customer supplied engines, and factory remanufactured engines from Cummins and Detroit Diesel. Can you please provide the VIN #s to allow us to determine the engine set-up ?

➢· Did you verify that the ECM's were set to the engine rebuilder's specifications ? … or did you verify that the ECMs had not been modified, altered, or tampered with prior to testing ?

➢· Did you leak test the cylinders, verify boost, or verify the fuel maps for the test ?

➢· Were the gliders and the 'other recent model trucks' tested on the same day ? … or was the comparison data pulled from existing test outcomes for the 'other trucks ' ?

➢· Did all four test vehicles have the exact same operating fluids (fuel / oil / coolant etc) ? If different, please provide the operating fluid information for all four vehicles.

➢· Why were the Glider Kits emissions compared to ' other recent model trucks' instead of the 2010 EPA Clean Air Act Emissions Standards ?

➢· Why is the Particulate Matter reflected in milligrams per mile instead of the standard g/bhp-hr ? … and why are the others reflected in per mile increments ?

➢· What was the fuel economy on the 'other recent model trucks ' ?

➢· Can you provide the equivalents to Tables 12-13-14 for the 'other recent model trucks' ?

➢· While repairing Glider #1 and testing it 'as-is' may be representative of the real world performance, have any OEM trucks been tested in similar conditions ? If so, what were the results ?

➢· Given the condition of Glider #1, is it fair to say the glider vehicles were pulled off the road and tested 'as-is' ? Were the two OEM s used for comparison also pulled off the road and tested 'as-is' ?

➢· The test fuel used in this program met EPA Highway Certification diesel fuel specifications in 40 CFR part 1065 as stated in Table 2. Further the gliders went through a triple drain and flush procedure shown in Table 3 to ensure the engines were performing on the Test Fuel. Can you provide the fuel properties for the two comparison vehicles and the original test dates for those vehicles ?

A response this week would be greatly appreciated and thank you so much for your continued cooperation.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Brewer, Tom[TBrewer@tntech.edu]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Fri 12/1/2017 8:55:46 PM
Subject: RE: TTU Follow-Up 11-28-2017
Responses to Tenn Tech 11_28_2017 email.pdf

Dear Tom,

Attached you will find responses to all of the questions you sent earlier this week. Please let us know if you would like to schedule a call to discuss any of these topics.

My staff continues to assess the more detailed emissions data that you provided in the excel spreadsheet on November 17. We will let you know if we have any follow-up questions on that data. I have included two of my managers on this email – Angela Cullen and Brian Nelson, as well as one of the staff engineers who worked on the EPA testing, George Michell. Both Angela and George were on the November call with you. Brian is the manager for the Heavy-duty On-road and Nonroad Center.

Any of us would be happy to follow up with you or your team.

Best regards,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [mailto:TBrewer@tntech.edu]
Sent: Tuesday, November 28, 2017 3:40 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: TTU Follow-Up 11-28-2017

Bill ….

The Tennessee Tech Emissions Testing Team has reviewed the EPA document ‘ Chassis Dynamometer Testing of Two Recent Model Heavy – Duty On – Highway Diesel Glider

Vehicles ‘ dated November 20, 2017 and would like to ask some detailed follow up / clarification questions that might help us better understand your methods / choices and be useful in completing our Phase II and III testing.

➢· The tested Gliders 2016 & 2017 were ‘loaned’ vehicles, with 179,273 and 30,600 miles respectively. Why were these Gliders chosen to test instead of a newly refurbished / remanufactured glider engine from a rebuilder? It is our understanding of how the EPA tests OEM Heavy Duty Engines for the EPA Certification process.

➢· Who loaned the two Glider vehicles ?

➢· Our understanding is that Fitzgerald and other glider assemblers sell many options to customers, including KIT ONLY, customer supplied engines, and factory remanufactured engines from Cummins and Detroit Diesel. Can you please provide the VIN #s to allow us to determine the engine set-up ?

➢· Did you verify that the ECM’s were set to the engine rebuilder’s specifications ? … or did you verify that the ECMs had not been modified, altered, or tampered with prior to testing ?

➢· Did you leak test the cylinders, verify boost, or verify the fuel maps for the test ?

➢· Were the gliders and the ‘other recent model trucks’ tested on the same day ? … or was the comparison data pulled from existing test outcomes for the ‘other trucks ‘ ?

➢· Did all four test vehicles have the exact same operating fluids (fuel / oil / coolant etc) ? If different, please provide the operating fluid information for all four vehicles.

➢· Why were the Glider Kits emissions compared to ‘ other recent model trucks’ instead of the 2010 EPA Clean Air Act Emissions Standards ?

➢· Why is the Particulate Matter reflected in milligrams per mile instead of the standard g/bhp-hr ? … and why are the others reflected in per mile increments ?

➢· What was the fuel economy on the ‘other recent model trucks ‘ ?

➢· Can you provide the equivalents to Tables 12-13-14 for the ‘other recent model trucks’ ?

➢· While repairing Glider #1 and testing it ‘as-is’ may be representative of the real world performance, have any OEM trucks been tested in similar conditions ? If so, what were the results ?

➢· Given the condition of Glider #1, is it fair to say the glider vehicles were pulled off the road and tested ‘as-is’ ? Were the two OEM s used for comparison also pulled off the road and tested ‘as-is’ ?

➢· The test fuel used in this program met EPA Highway Certification diesel fuel specifications in 40 CFR part 1065 as stated in Table 2. Further the gliders went through a triple drain and flush procedure shown in Table 3 to ensure the engines were performing on the Test Fuel. Can you provide the fuel properties for the two comparison vehicles and the original test dates for those vehicles ?

A response this week would be greatly appreciated and thank you so much for your continued cooperation.

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility

Tennessee TECH

To: Haley, Mike[Haley.Mike@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Thur 7/27/2017 12:59:02 PM
Subject: Re: Gliders in House Approps Report.

I let sarah know

Sent from my iPhone

On Jul 27, 2017, at 8:52 AM, Haley, Mike <Haley.Mike@epa.gov> wrote:

> Yes, it is part of the Committee's Report that accompanied the version of the Bill they approved.
>
> On Jul 27, 2017, at 8:47 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:
>
> > Mike-the answer to this is Yes, correct?
> >
> > **From:** Dunham, Sarah
> > **Sent:** Thursday, July 27, 2017 8:44 AM
> > **To:** Grundler, Christopher <grundler.christopher@epa.gov>
> > **Cc:** Lewis, Josh <Lewis.Josh@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
> > **Subject:** RE: Gliders in House Approps Report.
> >
> > Thanks—was this in the FY18 committee report?
> >
> > **From:** Grundler, Christopher
> > **Sent:** Thursday, July 27, 2017 7:26 AM
> > **To:** Dunham, Sarah <Dunham.Sarah@epa.gov>
> > **Cc:** Lewis, Josh <Lewis.Josh@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
> > **Subject:** Gliders in House Approps Report.
> >
> > Sarah--

Copied below is language from the House Appropriation Committee report urging epa to conduct a study of glider kit emissions impacts.

We will start scoping out a test program at the lab regarding what such a test program could look like.

Thanks

Chris

Glider Kits.—The Committee notes that the Phase 2 rule for Me- dium and Heavy-Duty Engines and Vehicles is generally supported by the trucking industry. However, under the Phase 2 rule, the Agency defined a glider kit as a new motor vehicle for the purposes of regulation. The Committee recognizes that glider kits typically do not incorporate new engines; therefore, classifying a glider kit as a new motor vehicle raises a number of valid concerns. The Committee also understands the intent of the provisions in the Phase 2 rule is to promote the removal of older, dirtier engines from the vehicle fleet in order to make air quality improvements. This is a policy that the Committee has strongly supported over a number of years albeit in a non-regulatory manner through the use of grants to encourage engine retrofits. The Committee urges EPA to study the emissions impact of remanufactured engines used in glider kits, compared to new engines, and issue a report to the Committee when available.

Sent from my iPhone

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Thur 7/27/2017 12:21:19 AM
Subject: Fwd: Trailers/Gliders for HDV

Sent from my iPhone

Begin forwarded message:

From: "Charmley, William" <charmley.william@epa.gov>
Date: July 26, 2017 at 6:42:21 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Re: Trailers/Gliders for HDV

Chris

In case it becomes relevant, at least for otaq staff, including myself, the first time we saw the glider petition was last week on Wednesday.

Sent from my iPhone

On Jul 26, 2017, at 6:22 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: July 26, 2017 at 6:16:10 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Fwd: Trailers/Gliders for HDV

Meant to cc you

Sent from my iPhone

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: July 26, 2017 at 6:15:44 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Re: Trailers/Gliders for HDV

Ok-- I'd suggest we talk about gliders tomorrow at the weekly fuels meeting -- I think it may be helpful for the team to hear more about what is happening to figure out what the options are. Not Responsive Not Responsive but hadn't focused on gliders yet since we only received the petition for reconsideration on gliders within the last couple weeks.

On Jul 26, 2017, at 2:21 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

We have an issue kind of blowing up regarding the gliders. Can we get the team together this week to touch base on the petitions for reconsideration that is in line with the email Erik sent last week?

Mandy M. Gunasekara

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

To: Wehrum, Bill[Wehrum.Bill@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Grundler, Christopher
Sent: Thur 11/30/2017 10:11:46 PM
Subject: FW: Heads Up; Glider Hearing

+ David and Mandy

From: Grundler, Christopher
Sent: Thursday, November 30, 2017 5:12 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Heads Up; Glider Hearing

Bill,

A quick reminder for you that this upcoming Monday, December 4, we are holding the public hearing for EPA's recent proposal to rescind the heavy-duty glider provisions. The hearing will be held here at EPA headquarters . Several of the OTAQ staff from D.C. and Ann Arbor will run the hearing. Kathryn Sargeant and Bill Charmley will be the presiding officers, and we will also have David Orlin and/or Mark Kataoka from OGC attending.

As of today there are 60 testifiers signed up, from a wide range of stakeholders: truck dealerships, rebuilders, truck OEMs, industry trade groups, state/local government agencies, public health NGOs, environmental NGOs,a number of private citizens, and one member of Congress (Rep. Jamie Raskin (D-MD))

Later in December, or after the close of the public comment period (January 5), we will give you a briefing on the rulemaking and the public comments.

Thanks,

C--

To: Wehrum, Bill[Wehrum.Bill@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]
From: Grundler, Christopher
Sent: Thur 11/30/2017 10:07:21 PM
Subject: Glider Testing Timeline

Ex. 5 - Deliberative Process

Let me know if you have any questions

Chris

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 10/31/2017 1:36:36 PM
Subject: Re: Glider NPRM update

Perfect

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have any questions.

Thanks,

Ben

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 10/31/2017 1:38:28 AM
Subject: Re: Glider rescission NPRM: update

Yes, pls do.

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 30, 2017, at 9:08 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

You want me to send anything? Wasn't sure if Sarah was hinting at anything here.

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: October 30, 2017 at 4:48:29 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Grundler, Christopher" <grundler.christopher@epa.gov>, "William Charmley (charmley.william@epa.gov)" <charmley.william@epa.gov>
Subject: RE: Glider rescission NPRM: update

Chris, Bill and I all felt it was appropriate to help educate a bit in this case—to share what we'd normally be doing, and to make explicit what OTAQ is currently doing and not doing. Part of this was simply to be above-board about where things stand from our perspective.

However, perhaps that's not necessary.

I'll let Chris weigh in on this one. Chris—let me know if you'd like me to send something on to Mandy and David.

Ben

From: Dunham, Sarah
Sent: Monday, October 30, 2017 4:44 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Glider rescission NPRM: update

Thanks, I think. I have to admit to not completely following what the main thing that needs to be communicated to Mandy and David at this point is. So I would suggest you send a note to them, cc'ing me and others as appropriate, with what it is you think they need to know about where things stand. If that misses the point of what you need, I'm happy to talk.

On Oct 30, 2017, at 4:37 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Hi Sarah:

I spoke with Chris and Bill earlier today and we wanted to pass along a few notes on where things stand with the glider NPRM. Please share with David Harlow, Mandy and others as you see fit, or let us know how you'd like to otherwise communicate this.

•□□□□□□□ As you know, last week OMB sent us interagency comments on the draft NPRM, and we also heard comments over the phone from DOJ.

•□□□□□□□ Typically, at this point EPA would send a revised version of the rule (the passback) to OMB. That document would respond to interagency bubble comments, line edits, and any verbal comments. OMB staff today asked us when we were planning on sending the passback to them; we told them (Jim L, Chad)

that we'd get back to them but didn't have an immediate answer.

•□□□□□□□ OMB staff told us that they shared with OMB political management that OMB staff were trying to wrap their review up by tomorrow.

•□□□□□□□ As I mentioned to David Harlow last week, OTAQ has reviewed the interagency comments but we have not made edits to the package, nor done any additional analysis (as some commenters wanted). We have seen David's revised documents (which respond to many of the interagency comments) but have not made edits to his revised documents. Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

•□□□□□□□ We will not send anything to OMB until given that direction by Mandy/David Harlow/you. That passback, as you know, will be docketed and will ultimately be available to the public.

Please let us know if you have any questions.

Thanks,

Ben

To: Cook, Leila[cook.leila@epa.gov]
From: Grundler, Christopher
Sent: Thur 7/27/2017 5:42:11 PM
Subject: FW: Glider Kits - we could talk to Sarah and Mandy at the end of tomorrow's RFS meeting
Fitzgerald et al petition for reconsideration of EPA's glider kit regula....pdf
Glider Kit Background and HD Phase 2 Rule Provisions June 21 2017 v2.docx

See one pager

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Grundler, Christopher
Sent: Wednesday, July 26, 2017 5:46 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: FW: Glider Kits - we could talk to Sarah and Mandy at the end of tomorrow's RFS meeting

Sarah---see below (we've been focused on Not Responsive not gliders). What we can do is walk through the attached 2 pager as part of the weekly tomorrow, with more detailed briefing(s) to follow as necessary. Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Chris

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Charmley, William
Sent: Wednesday, July 26, 2017 5:38 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Glider Kits - we could talk to Sarah and Mandy at the end of tomorrow's RFS meeting

Dear Chris,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks

Bill

To: Corey, Richard@ARB[richard.corey@arb.ca.gov]
From: Grundler, Christopher
Sent: Tue 11/8/2016 9:52:11 PM
Subject: Legislative Riders on EPA Budget Bill
Effects Statement- senate ECA FY17 11 8 16.docx
Capability Statements- RFS hardship FY17 House + Senate.docx
FY17 House Approps Statement on Trailers (Loudermilk).docx
FY17 Glider Kit - Capability Statement.docx

Richard—

There are a number of legislative riders in play at the moment that would impact California if enacted. As a co-regulator in these areas, I thought you would have an interest in them. The riders impact HD GHG phase 2 implementation, ships off the coast of California, and renewable fuels. My staff have drafted the attached summaries of the draft legislative language, the impacts, and the reason we are opposing them

Let me know if you have any questions

Chris

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Hengst, Benjamin
Sent: Tuesday, November 08, 2016 4:03 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>

Subject: Effects/capability statements currently in play

Chris—here's what is in play on spending riders/report text.

Approps riders/amendments:

•□□□□□□□ Trailers (House bill)

•□□□□□□□ Gliders (House bill)

(*NOTE- a Hunter ECA amendment, which we also saw last year, was in play on the House approps bill in the spring but the amendment failed*)

Report language:

•□□□□□□□ ECA (Senate Report)

•□□□□□□□ Small refinery (both House & Senate Reports)

I've attached the current statements. The ECA one is updated – Jean-Marie, Mike, Bill, and I worked on this today.

Ben

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Fri 1/26/2018 3:48:10 PM
Subject: FW: OTAQ's draft responses to the 12/7/17 HEC QFRs
12.7.17 HEC QFRs_Pruitt_OTAQ.docx

Chris—here are the QFRs I mentioned to you yesterday. Not terribly exciting stuff, but you may want to take a look just to keep a finger on the pulse.

From: Davis, Matthew
Sent: Monday, January 22, 2018 4:47 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Subject: Deadline COB Friday: QFRs from Pruitt HEC hearing

Hey guys,

We've just today gotten the QFRs from Administrator Pruitt's hearing in front of HEC. There are a number of OAR-related topics, as I'm sure you can imagine. Our management would like to have responses from the program offices by the end of the day Friday, 1/26 so that we can meet the committee's timeline for response. I know this is a pretty quick turnaround. Fortunately, for many of the topics I believe there is template language, or specific letter response language, that can be used to answer the questions. Let me know if you have any questions, concerns, or could use more direction on particular questions.

Thanks,

Matthew

Matthew H. Davis

Office of Congressional Affairs

U.S. EPA

1200 Pennsylvania Ave NW, MC 1301A

Washington, DC 20460

(202) 564-1267

To: Alson, Jeff[alson.jeff@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Barnes, Taryn[Barnes.Taryn@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Blubaugh, Jim[Blubaugh.Jim@epa.gov]; Brusstar, Matt[brusstar.matt@epa.gov]; Caldwell, Amy[caldwell.amy@epa.gov]; Ceres, Cici[ceres.cici@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Davis, Theresa[Davis.Theresa@epa.gov]; Derksen, Kimberly[derksen.kimberly@epa.gov]; Dorwin, Timothy[dorwin.timothy@epa.gov]; Dupree, Sheena[Dupree.Sheena@epa.gov]; Fearnside, Judy[Fearnside.Judy@epa.gov]; Fortney, Valorie[fortney.valorie@epa.gov]; Galano, Fidel[Galano.Fidel@epa.gov]; Gonzalez, Gail[Gonzalez.Gail@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Haley, Mike[Haley.Mike@epa.gov]; Haugen, David[haugen.david@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Iffland, JoNell[Iffland.JoNell@epa.gov]; Johnson, Francene[Johnson.Francene@epa.gov]; Kliza, Frances[Kliza.Frances@epa.gov]; Kolowich, Bruce[kolowich.bruce@epa.gov]; Larson, Ben[Larson.Ben@epa.gov]; Lay, Audrey[lay.audrey@epa.gov]; Meekins, Tanya[Meekins.Tanya@epa.gov]; Moltzen, Michael[Moltzen.Michael@epa.gov]; Nelson, Suzanne[nelson.suzanne@epa.gov]; Paff, Patricia[paff.patricia@epa.gov]; Peralta, Maria[Peralta.Maria@epa.gov]; Sabourin, Michael[sabourin.michael@epa.gov]; Salazar-Greene, Natalie[salazar-greene.natalie@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Schmittou, Kim[schmittou.kim@epa.gov]; Scoville, Pat[Scoville.Pat@epa.gov]; Shaffer, Patricia[Shaffer.Patricia@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Soth, Judith[Soth.Judith@epa.gov]; Srna, Carol[srna.carol@epa.gov]; Stewart, Gwen[Stewart.Gwen@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Umstead, Jami[umstead.jami@epa.gov]; Vawters, Katie[Vawters.Katie@epa.gov]; Waite, Sherry[waite.sherry@epa.gov]; Wasenko, Barbara[Wasenko.Barbara@epa.gov]; Watkins, Erica[Watkins.Erica@epa.gov]; Weihrauch, John[Weihrauch.John@epa.gov]; White, Susan[white.susan@epa.gov]; Wilson, Donna[Wilson.Donna@epa.gov]; Zaremski, Sara[zaremski.sara@epa.gov]
From: White, Susan
Sent: Fri 1/26/2018 2:04:17 PM
Subject: CHRISTOPHER GRUNDLER CALENDAR

CHRISTOPHER GRUNDLER

FRIDAY, JANUARY 26, 2018

CALENDAR

DC OFFICE

8:00 AM – 12:30 PMSAE Government Industry Meeting

12:30 PM – 1:30 PMMANAGEMENT TIME

2:35 PM – 3:35 PMPre-Brief for HD Gliders: Part II

Location: RM. 6520 DC/RM. C-174 DOD AA

By Telephone: Ex. 6 - Personal Privacy

Access Code:

Susan Y. White

Administrative/Technical Support Specialist

Senior Service America, Inc.

Supporting the Office of Transportation and Air Quality

U.S. Environmental Protection Agency

(202) 564-1682

To: OTAQ Materials[OTAQMaterials@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Lay, Audrey[lay.audrey@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Sutton, Tia
Sent: Mon 1/22/2018 10:00:02 PM
Subject: Updated materials for HD NOx briefing - 1/23 at 4:30pm with Bill Wehrum
Jan 2018 HD NOx briefing for EPA leadership_finalv2.pptx

Hi all,

Please print the attached materials instead – just talked to Brian and he caught a small typo that is corrected in the attached. Please print for tomorrow's 4:30 Bill Wehrum "Heavy-Duty NOx" briefing with Bill Wehrum.

Thanks!

-Tia

From: Nelson, Brian
Sent: Monday, January 22, 2018 4:44 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Stewart, Gwen <Stewart.Gwen@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Lay, Audrey <lay.audrey@epa.gov>
Subject: HD NOx briefing

This is the same material for the briefing that was postponed on 1/17/2018 @ 2:15 in Ann Arbor.

- -

Brian J. Nelson
Director, Heavy-Duty Onroad & Nonroad Center
U.S. Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4278
nelson.brian@epa.gov

- -

To: Cook, Leila[cook.leila@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Mylan, Christopher[Mylan.Christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Birgfeld, Erin
Sent: Fri 9/29/2017 9:23:47 PM
Subject: TPs for R9
TPs for R9 - Sept 29 .docx

Hi Lee and Chris,

The R9 Acting Administrator has a press event next week and their folks asked for our latest TPs on on the status of Low NOx Petitions (HD and locomotives) as well as the LD and HD GHG rules in case these topics come up.

Attached is the document that Chris pulled together and that we intend to give them.

ASD provided input on the HD NOx petition specifically and we pulled from mostly web sources for the other TPs. Ben has also given this the once over, but we wanted to share with you mostly for your awareness. If you have any edits let us know.

Thanks,

Erin

Erin Birgfeld

Communications Director

Office of Transportation and Air Quality

U.S. EPA

202-564-6741 (work)

202-255-4434 (cell)

To: Jackson, Ryan[jackson.ryan@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Dunham, Sarah
Sent: Mon 9/25/2017 8:03:45 PM
Subject: Follow-up/Gliders

Hi Ryan (and Mandy)–

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

To: Grundler, Christopher[grundler.christopher@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Hengst, Benjamin
Sent: Thur 7/27/2017 1:00:10 PM
Subject: Emailing: AL-16-001-1790 Rep Diane Black on Gliders v2.docx
AL-16-001-1790 Rep Diane Black on Gliders v2.docx

Chris--not sure if this is the final version that went out, but this letter clearly lays out some key points on gliders (Chuck wrote this, and I think it's fairly close to being the final that went out under Janet's signature).

Just sending it as an FYI.

We also have a Q&A on gliders from the proposed rule, not sure if that ever got updated for the final rule. Chuck do you know?

Ben

Your message is ready to be sent with the following file or link attachments:

AL-16-001-1790 Rep Diane Black on Gliders v2.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Tue 8/22/2017 1:01:06 PM
Subject: FW: Impact statement on gliders
FY18 Impact Statement - Gliders - 8.22.17.docx

Chris--this is the current version of the document. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----
From: Lewis, Josh
Sent: Tuesday, August 22, 2017 8:59 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: RE: Impact statement on gliders

Thanks Ben, that sounds like a plan. + Betsy for awareness.

Josh

-----Original Message-----
From: Hengst, Benjamin
Sent: Tuesday, August 22, 2017 8:32 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>
Subject: Impact statement on gliders

Josh,

OTAQ had been asked to put together two Hill "impact statements" this month: one on glider-related report language Not Responsive

Ex. 5 - Deliberative Process

***

Hi Tia,

Thanks for flagging this issue for OAR/OPMO, but given how the schedule appears to have been moved up, please feel free to work directly with Mandy et al. post OGC review. Ed should be aware that this one in particular is still on hold, so once you have it cleared he will be able to see the final product up to the Hill.

Thanks again,

Steve

Attachment—Additional Questions for the Record

The Honorable John Shimkus

1. **OECA** This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.

    a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?

    b. Is EPA pursuing any of these efforts?

2. **OAR** The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated "biogenic" CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word "biogenic."

    a. Do you intend to look at this interpretation of the Endangerment Finding?

    b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?

3. **OAR+OECA** On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."

    a. What steps are being taken to update this policy?

    b. Does the Agency have a timeline for this process?

    Response: EPA is conducting a policy and legal review to determine if and how the outdated 1986 policy can be replaced. Given the complexity of the issues, it is not possible to project the timing for an action in this regard.

4. There has been concern that EPA's regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?

    DRAFT RESPONSE: Yes, it is of the utmost importance for regulatory certainty that EPA speaks with one voice.

5. **OLEM** The Administration's budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the

superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. **OLEM** On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?

7. **OLEM** EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the $115 million project?

    a. Does EPA have a plan to address the leaking cap in the meantime?

    b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?

8. **OGC** Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA "will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency." The issue of "sue and settle" and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.

    a. As you noted in your statement about the new policy, "'sue and settle' cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars." Has the Agency started implementing the changes?

    b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy "discourages settlements when they would have been appropriate and increases agency costs?"

    c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc…] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new "sue and settle" policy agency-wide? And is it a mandate to not use sue and settle in

ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?

9. **OLEM** When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?

    a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?

    b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?

    c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?

10. **OLEM/OGC** How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?

11. **OLOEM** How will EPA build consistency into how the Regions manage CERCLA cleanups?

12. **OLOEM** What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?

13. **OLOEM** The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than $50 million must receive approval from the Administrator, which will help promote regional accountability.

    a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?

    b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency's 2005 Sediment Guidance and the National Contingency Plan?

    b. Since many of the Task Force's recommendations require further action, what is your timeline and plan for next steps?

The Honorable David McKinley

1. **OLEM** Mr. Administrator - when EPA finalized the "coal ash" regulations, they adopted in the self-implementing rule a "one-size-fits-all" approach that does not allow for the consideration of site specific, risk-based factors.

   I appreciate that EPA has committed to reconsider elements of the rule.
   The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

   a. Can you provide an update on how this process is going?

2. **OAR** As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator "shall conduct continuing evaluation of potential loss or shifts in employment…"

   a. What are your plans for implementing this provision? What can you tell us about your timeline?

   b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?

3. **OAR** Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

   Congress has clearly stated its intent regarding this.

   a. What is the agency doing to address streamlining and improving the hardship petition process?

   Response: The EPA understands the importance of the RFS program to multiple stakeholders, including small refineries. As directed by Congress, the EPA consults with DOE in evaluating these petitions—we consider DOE's recommendations, along with other input and information, for each petitioning refinery and we aim to respond to each petition within 90 days of receiving all of the information necessary to conduct the evaluation. The EPA will continue to seek to improve its processes as it administers environmental regulations as Congress intended, and will work with stakeholders in achieving that goal.

4. **OLEM** Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress' recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or "coal ash" – rules in lieu of the federal rule – is a perfect example

of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

a. Can we get some assurances from you that the agency will accelerate this process?

5. **OAR+OECA** The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

   Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?"

   Response: EPA has met with the major U.S. catalyst manufacturers through their two primary trade associations. We understand the industry is, in general, strongly supportive of an update to the policy.

The Honorable Marsha Blackburn

1. **OAR** An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of $512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration's meritless and radical position.

   a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?

   b. What can we do as a legislative body to ensure future abuses such as these do not take place again?

   c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?

Response: Yes. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires EPA to consider impacts on small businesses on its rulemakings. On March 24, 2017, I issued an agency-wide memorandum on implementation of the President's Executive Order 13777, directing EPA program offices to seek public input on existing regulations that may be appropriate for repeal, replacement, or modification and report findings to our Regulatory Reform Task Force. As a part of this effort, EPA offices conducted public outreach – including a meeting held by the Office of Small and Disadvantaged Business Utilization on April 25, 2017 to gain insight from small businesses on impacts of EPA's rules. EPA will continue to seek to improve its processes as we administer environmental regulations as Congress intended, and will work with all partners and stakeholders, including small businesses, in achieving that goal.

2. **OP/OGC** In accordance with the President's Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.

    a. What is the status of this review?

    b. What are your planned next steps?

    c. What timeline do you envision for implementing the recommendations?

3. **OAR+ORD** On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS' impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

Response: EPA is currently evaluating how quickly we can complete the study about air quality impacts (the "anti-backsliding" study required under Section 211(v) of the Clean Air Act). The Agency is currently working to complete in the spring of 2018 the report to Congress that addresses impacts to the environment and resource conservation (required under section 204 of the 2007 Energy Independence and Security Act).

<u>The Honorable Gregg Harper</u>

1. **OLEM** Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable

Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?

2. **OW** In the 113th Congress, EPA was provided discretion over the allocation of approximately $12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker's companion bill was signed into law in 2015. I appreciate EPA's July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

The Honorable Bill Johnson

1. **OAR** As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, "NSR creates an unnecessary burden that discourages… investments in efficiency because of the additional expenditures and delays associated with the permitting process".

    a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?

    b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

    c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

The Honorable Kevin Cramer

1. **OAR** After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel,

cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.

a. Does the current statute have a specific requirements for corn-based ethanol until 2022?

   Response: The statute does not have a specific requirement for corn-based ethanol before (or after) 2022.

b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?

   Response: The statute does not specify a minimum volume of total renewable fuel after 2022.

c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
   Response: The CAA sets forth an extensive list of factors to be considered in setting standards after 2022. We have not yet evaluated how consideration of those factors may relate to various types renewable fuels.

2. **OAR** The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?

   Response: The 15 billion gallon implied mandate, commonly referred to as the "conventional renewable fuel" mandate, is not specific to ethanol. The majority of that implied mandate, however, is historically met by corn-based ethanol. That volume is not a ceiling, since the standards under the RFS program do not limit the amount of ethanol that can be used. If there is demand for more than 15 billion gallons of ethanol and the market can supply it, more than 15 billion gallons can be used.

   However, neither is the 15 billion gallon mandate for conventional renewable fuel a floor. If use falls below 15 billion gallons, the shortfall can be met with other non-ethanol conventional or advanced renewable fuels, such as biodiesel and renewable diesel.

   a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?

      Response: Nothing in the statute requires more than 15 billion gallons of conventional fuel. Indeed, there is no specific requirement in the statute for any particular volume of ethanol.

3. **OAR** The prior Administration proposed the Renewable Enhancement and Growth Support

(REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.

a. Where does this proposal currently stand?

b. Is the EPA planning to continue to finalize the REGS Rule?

Response: Since the REGS proposed rule comment period closed, my staff have been going through the many comments received, evaluating the various implementation options raised by the comments, and exploring options for resolving the complex issues associated with implementing the electric pathway. We continue to work towards a final decision on these important issues.

4. **OAR** A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.

   a. Can automakers now certify their engines on these fuels?

   b. If not, why not? If so, what is the process?

   Response: Although E30 is not currently an approved test fuel for certification purposes, EPA regulations allow vehicle manufacturers to request permission to use test fuels other than those specified by EPA, and provide that EPA will generally allow use of an alternative test fuel if the manufacturer can satisfy certain factors to ensure that the proposed test fuel reasonably reflects the fuel on which the vehicle will operate in the real-world.

<u>The Honorable Tim Walberg</u>

1. **OLEM** Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.

   a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?

2. **OCSPP** At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?

3. **OW** The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?

4. **OAR** In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

   Response: EPA received a variety of comments during our recent public comment period regarding harmonization with CAFE and the treatment of alternative fuel vehicles in EPA's GHG standards program, including natural gas, ethanol, and electric vehicles. We will continue to consider those comments, along with other best available information, as we move forward with the Mid-term Evaluation reconsideration.

The Honorable Buddy Carter

1. **OAR+OGC** The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.

   Response: EPA is working to develop a proposed rule to revisit the trailer provisions of the Phase 2 Rule for Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles.

2. **OLEM** Which recommendations from the Super Fund Task Force have been implemented?

3. **OLEM** The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?

4. **OLEM** In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?

5. **OLEM** This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

The Honorable Michael Burgess

1. **OGC/OECA** In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?

2. **OP** Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?

3. **OLEM/OECA/OGC** I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?

4. **OP** EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?

    a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?

    b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?

    c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?

    d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?

    e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

The Honorable Frank Pallone

Superfund:

OLEM During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

Environmental Justice:

OP/OLEM Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

OP/OLEM Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?

4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.

5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

OP/OGC Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?

7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?

8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?

9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?

10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

Management of Toxic Pesticides:

11. **OCSPP** Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal Regulatory Toxicology and Pharmacology, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?

12. **OCSPP** Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?

13. **OCSPP** In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO[1] that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.[2] Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.

14. **OCSPP** EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

Transparency:

OP/OGC Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the public should be "fully aware of [top officials'] contacts with interested persons." In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials.
EPA has recently provided the public with a "summary" of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?

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[1] U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

[2] Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) (http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html)

16. Will you commit to directing your senior officials to release their calendars on a regular basis?

OGC We are also concerned about delays in EPA's response to FOIA requests under your administration. EPA's failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA's failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?

18. Do you this it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?

19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?

20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?

21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?

22. Given EPA's large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.

23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

OGC It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?

25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

Contract with Definers Public Affairs:

OPA/OGC On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."[3] The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA's selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?

28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?

29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?

30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.[4] EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.

[3] EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

[4] Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?

33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

Enforcement:

OECA As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?

35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?

36. Have you been asked by anyone in industry to change EPA's enforcement policies?

37. If so, please describe those conversations.

38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

Co-Benefits of Air Rules:

OAR You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?
40. Why or why not?

41. Are you planning to seek legal review of this matter?

42. Are you planning to try to change the way co-benefits, like PM2.5, are counted or considered in EPA rulemakings?

43. If so, why and what evidence do you have to support such a change?

Ozone:

OAR For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to "information that has not been provided by the states."

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?

45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.

46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.

47. The Unified Regulatory Agenda included a reference to using "additional time afforded by the designations extension to finalize necessary guidance" related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.

    a. Can you clarify what "extension" this refers to in the Unified Agenda?

    b. Why would EPA need an extension to issue remaining designations?

48. When can we expect EPA to issue the remaining designations?

49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

Climate Change:

50. OAR Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the "best system of emission reduction" for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

OAR At the hearing you questioned the integrity of the rulemaking that led up to EPA's December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of

the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit's decision?

OAR You recently stated that you intend to move forward imminently with a so-called "red team" exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration's Global Change Research Program released a "Climate Science Special Report" confirming that human activities are "the dominant cause" of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the "red team" exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

Budget:

OCFO It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are "vulnerable," "entitlement," "diversity," "transgender," "fetus," "evidence-based" and "science-based."

53. Is EPA also barred from using "vulnerable," "entitlement," "diversity," "transgender," "fetus," "evidence-based" or "science-based," in official budget documents?

54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

OCFO/OARM EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?
56. In what offices and programs have net reductions occurred?

57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.

58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?

59. In which programs and offices are reductions planned?

60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

The Honorable Paul Tonko

1. **Travel to Morocco**

OP On December 12, EPA issued a press release, "Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco." While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.

b. How does promoting U.S. LNG exports fit into your "Back to Basics" agenda?

c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?

d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.

e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

2. **Science at EPA**

ORD/OAR In the draft FY 2018-2022 EPA Strategic Plan, you have promised to "prioritize robust science." Under Objective 3.3 of the draft plan, you say that "EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions."

a. Do you commit to ensuring that the EPA's actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment (also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?

b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century… For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?

c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?

d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?

e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?

f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

3. **Advisors to the Administrator**

OP/OGC On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?

b. If not, what are the roles and responsibilities of Dr. Dourson?

c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?

d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

4. **Enforcement Actions and Monitoring**

OCFO On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

a. The Adirondack Lake Survey Corporation receives EPA funding for long-term

monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

5. **Hudson River Superfund Site**

OLEM The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

6. **OIG**

OGC The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:
"A second budget impediment occurred when the OIG submitted an FY 2019 request for $62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of $42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the $42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

7. **IRIS**

a. **ORD** How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?

b. **ORD** Will you commit to fully supporting the IRIS program?

<u>The Honorable Diana DeGette</u>

1. **OAR** Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United

States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states "the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children."

a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
b. What are the estimated costs of the health impact on children?

2. **OCSPP** During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.

   a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?

   b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?

   c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?

3. **OLEM** In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the "Chemical Disaster Rule") to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.

   a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

   b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low

frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?

4. **OW/OCSPP** The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
    a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?

    b. Will molybdenum be part of the Regulatory Determination 4 process going forward?

5. **OLEM** For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.

    a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for "immediate, intense action." Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?

    b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested "tens of millions of dollars" in the cleanup compared to less than $5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?

    c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is $1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA's long-term plan for the plant costs?

    d. What is the status of finding a permanent solution for the waste sludge from the plant?

<u>The Honorable Jerry McNerney</u>

1. **OAR** At the December 7th hearing, I stated that less than half of the U.S. population was

included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

To: Grundler, Christopher[grundler.christopher@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
Cc: Jordan, Deborah[Jordan.Deborah@epa.gov]; Lakin, Matt[Lakin.Matthew@epa.gov]
From: Zimpfer, Amy
Sent: Mon 12/4/2017 11:36:41 PM
Subject: OTAQ/Region 9 Meeting December 5, 2017 2:30pm-4:00pm
OTAQ Region 9 December5 Agenda 2017124.docx

Hi Chris and Karl,

We look forward to seeing you in our offices tomorrow afternoon. I understand you may be arriving around 2:30pm. Please call me at Ex. 6 - Personal Privacy when you're nearby and I'll come down to greet you in the lobby.

We'll be meeting in the Navajo Nation conference room in the NE corner of the building on the 19th floor. We'll start with a smaller meeting with Deborah, Matt, Ben and me. Staff will join us at 3:00pm.

Please find attached (and copied below) a list of suggested discussion topics. We do not plan any formal presentations and can focus on your top interests.

Thanks again for making the time to visit the regional office while you're in California.

Best,

Amy

OTAQ/Region 9 Meeting

December 5, 2017

Region 9 Office, Navajo Nation Room 19th Floor

2:30-3:00pm Principles

3:00pm-4:00pm Staff/Management

Call-in # Ex. 6 - Personal Privacy **Code:** Ex. 6 - Personal Privacy

-

Discussion Topics

Not Responsive

2. OTAQ Updates

Not Responsive

b. Heavy Duty Truck Glider Reconsideration

Not Responsive

Not Responsive

7. Other?

Participants

OTAQ: Chris Grundler, Karl Simon

Region 9: Deborah Jordan, Matt Lakin, Amy Zimpfer, Ben Machol, Meredith Kurpius, John Mikulin, Francisco Donez (phone), Dana Mayfield, Anita Lee, John Ungvarsky, Karina O'Connor (phone), Doris Lo, Richard Grow

OTAQ/Region 9 Meeting
December 5, 2017
Region 9 Office, Navajo Nation Room 19th Floor
2:30-3:00pm Principles
3:00pm-4:00pm Staff/Management

Call-in # Ex. 6 - Personal Privacy **Code:** Ex. 6 - Personal Privacy

Discussion Topics

Not Responsive

2. OTAQ Updates

Not Responsive

b. Heavy Duty Truck Glider Reconsideration

Not Responsive

Participants

OTAQ: Chris Grundler, Karl Simon

Region 9: Deborah Jordan, Matt Lakin, Amy Zimpfer, Ben Machol, Meredith Kurpius, John Mikulin, Francisco Donez (phone), Dana Mayfield, Anita Lee, John Ungvarsky, Karina O'Connor (phone), Doris Lo, Richard Grow

To: Lewis, Josh[Lewis.Josh@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
Cc: Dunham, Sarah[Dunham.Sarah@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Sent: Mon 11/13/2017 3:18:29 PM
Subject: Glider Emissions--First Test Results

All:

I am following up on Mandy's Oct 27 request for results from our glider testing. Below are the

Ex. 5 - Deliberative Process

Let me know if you have any questions. We are currently testing a second glider vehicle.

Chris

From: Charmley, William
Sent: Monday, November 13, 2017 6:06 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Haugen, David <haugen.david@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Emissions results from the EPA Ann Arbor labs testing of a heavy-duty glider vehicle

Dear Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions on this topic.

Bill

To: Sutton, Tia[sutton.tia@epa.gov]; Korotney, David[korotney.david@epa.gov]; Michaels, Lauren[Michaels.Lauren@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Parsons, Nick[Parsons.Nick@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Cohen, Janet[cohen.janet@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Bunker, Byron[bunker.byron@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Orlin, David
Sent: Wed 1/24/2018 7:22:43 PM
Subject: RE: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing
12.7.17 HEC QFRs_Pruitt_OTAQ lam DK tls.docx+RD+do.docx

Not Responsive

Not Responsive Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Sutton, Tia
Sent: Wednesday, January 24, 2018 8:34 AM
To: Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing

Not Responsive

Not Responsive Take a look when you get a chance.

Not Responsive

From: Korotney, David
Sent: Tuesday, January 23, 2018 4:03 PM
To: Michaels, Lauren <Michaels.Lauren@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing

My edits on top of Lauren's.

From: Michaels, Lauren
Sent: Tuesday, January 23, 2018 12:32 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing

Not Responsive

From: Sutton, Tia
Sent: Tuesday, January 23, 2018 10:57 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Wehrly, Linc <wehrly.linc@epa.gov>; Charmley, William <charmley.william@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Olechiw, Michael

<olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: RE: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing

Ex. 5 - Attorney Client

From: Sutton, Tia
Sent: Tuesday, January 23, 2018 10:52 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Wehrly, Linc <wehrly.linc@epa.gov>; Charmley, William <charmley.william@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: For review & drafting by noon Thursday - QFRs from Administrator's 12/7 HEC hearing
Importance: High

All,

Sending a mass email here as we have a very short turnaround time on this ask, and please loop in others who should be included. Attached are QFRs from the Administrator's December 2017

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Below is a list of the items that we have flagged for OTAQ response; however, sending the entire doc along in case there are others that OTAQ should weigh in on:

Not Responsive

Ex. 5 - Attorney Client

Not Responsive

If you have questions on any of these, please let us know.

Thanks,

Tia

To: Belser, Evan[Belser.Evan@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Orlin, David
Sent: Thur 10/19/2017 9:40:07 PM
Subject: FW: Draft Proposal of Glider Repeal
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - ....docx

Evan—

Ex. 5 - Deliberative Process; Attorney Client

If you'd like further information, feel free to contact me or Mark (or Ben of course),

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Baptist, Erik
Sent: Wednesday, October 18, 2017 4:26 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Draft Proposal of Glider Repeal

David,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Tue 11/7/2017 10:32:57 PM
Subject: RE: Glider Comms

No worries at all. I went back & forth on whether or not to send (to Millett only, etc.) – but decided to err on the side of including everyone just in case Mandy sent things on without looping back with John (or there was some sort of issue with us not telling them we made tweaks). Lesson learned. :o)

But yes, my plan was to wait until we get word on clearance – or alert-the-masses edits – before sending any additional emails to that crew. I will, however, send a note to everyone else now to let them know what's going on.

Happy voting!

From: Hengst, Benjamin
Sent: Tuesday, November 07, 2017 5:24 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Glider Comms

No need to be terrified. I should have taken the time to walk you through the situations in which you should and should not send a note. No harm done at all though! Really. Don't give it another second's thought.

Ex. 5 - Deliberative Process

Sound ok to you?

On Nov 7, 2017, at 4:54 PM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Hi all,

Ex. 5 - Deliberative Process

Thanks!

-Tia

From: Millett, John
Sent: Tuesday, November 07, 2017 4:27 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Glider Comms

Thanks – I'll circulate a press release early tomorrow.

From: Gunasekara, Mandy
Sent: Tuesday, November 07, 2017 4:19 PM
To: Millett, John <Millett.John@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>;

Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Re: Glider Comms

Thank you for this. I'll take a look and send back edits tonight. We will want to do a press release. The latest in process is signature expected either later tomorrow or early Thursday. Ill confirm final expected release time early tomorrow.

Sent from my iPhone

On Nov 7, 2017, at 11:21 AM, Millett, John <Millett.John@epa.gov> wrote:

> Hi All – attached is the draft rollout plan for the gliders proposal for review (thanks, OTAQ!). Right now it includes a desk statement, but we can beef that up to a press release, if needed. There's also a placeholder q/a on the number of gliders manufactured.
>
> I'm happy to compile edits and comments and recirculate. The press office has a heads up that this could be getting signed soon.
>
> Thanks –
>
> John
>
> ~~~~~~~~~~~~~~~~~
>
> John Millett
>
> Director, OAR Communications
>
> Desk: 202-564-2903
>
> Cell: 202-510-1822

<Gliders Roll Out 11-4 v3.docx>

To: Sutton, Tia[sutton.tia@epa.gov]
Cc: Scoville, Pat[Scoville.Pat@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Jutras, Nathaniel[Jutras.Nathaniel@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Owens, Nicole
Sent: Thur 10/26/2017 12:20:02 AM
Subject: RE: SAN 6459

The entry Brittany cleared had an NPRM date of 11/2017. I added that FR publication date and removed the final date from the agenda entry.

Nicole

From: Sutton, Tia
Sent: Wednesday, October 25, 2017 7:53 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: Re: SAN 6459

Hi Nicole,

That's what Pat was flagging in her initial email on this - we don't actually have any information on timing, so we're not in a position to change the dates. Samantha/Brittany would need to weigh in there if any decision has actually been made.

Thanks,

Tia

Sent from my iPhone

On Oct 25, 2017, at 7:40 PM, Owens, Nicole <Owens.Nicole@epa.gov> wrote:

Hi.

Would you please fix the milestone dates in Tracker, most particularly the signature and FR publication milestones. I don't think folks are planning this to take until 2020 to finalize!

Thanks,

Nicole

From: Sutton, Tia
Sent: Wednesday, October 25, 2017 4:38 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: SAN 6459

Ex. 5 - Deliberative Process

Thanks!

From: Owens, Nicole
Sent: Wednesday, October 25, 2017 3:59 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: SAN 6459

Ex. 5 - Deliberative Process

I can change the action to deregulatory.

From: Sutton, Tia
Sent: Wednesday, October 25, 2017 3:54 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: SAN 6459

Hi Nicole,

Pat had leave for the day, so I'll jump in here just in case you need this today.

Ex. 5 - Deliberative Process

The program left a lot of stuff blank, so Pat had to make some executive decisions and simply say "Undetermined" for some things where it wasn't clear. It's fine to make Dereg – can you go ahead and change that in the system?

Thanks,

Tia

From: Owens, Nicole
Sent: Wednesday, October 25, 2017 3:25 PM
To: Scoville, Pat <Scoville.Pat@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: SAN 6459

Hello –

A few questions? Please confirm you want this added to the Reg Plan as well. If that is the case, you need to run this past Mandy today. Also, why isn't this a deregulatory action?

Nicole

From: Scoville, Pat
Sent: Wednesday, October 25, 2017 2:53 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: SAN 6459

We have entered the Glider notice SAN # 6459 in the reg agenda, however the dates that were generated when you tiered it are still in the milestone section, because at this point we have no political guidance to edit or change those miles stones.

Attachment—Additional Questions for the Record

The Honorable John Shimkus

1. **OECA** This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.

    a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?

    b. Is EPA pursuing any of these efforts?

2. **OAR** The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated "biogenic" CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word "biogenic."

    a. Do you intend to look at this interpretation of the Endangerment Finding?

    b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?

3. **OAR** On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."

    a. What steps are being taken to update this policy?

    b. Does the Agency have a timeline for this process?

4. There has been concern that EPA's regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?

    DRAFT RESPONSE: Yes, it is of the utmost importance for regulatory certainty that EPA speaks with one voice.

5. **OLEM** The Administration's budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. **OLEM** On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?

7. **OLEM** EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the $115 million project?

    a. Does EPA have a plan to address the leaking cap in the meantime?

    b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?

8. **OGC** Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA "will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency." The issue of "sue and settle" and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.

    a. As you noted in your statement about the new policy, "'sue and settle' cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars." Has the Agency started implementing the changes?

    b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy "discourages settlements when they would have been appropriate and increases agency costs?"

    c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc…] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new "sue and settle" policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?

9. **OLEM** When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?

    a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?

    b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?

    c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?

10. **OLEM/OGC** How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?

11. **OLOEM** How will EPA build consistency into how the Regions manage CERCLA cleanups?

12. **OLOEM** What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?

13. **OLOEM** The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than $50 million must receive approval from the Administrator, which will help promote regional accountability.

    a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?

    b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency's 2005 Sediment Guidance and the National Contingency Plan?

    b. Since many of the Task Force's recommendations require further action, what is your timeline and plan for next steps?

<u>The Honorable David McKinley</u>

1. **OLEM** Mr. Administrator - when EPA finalized the "coal ash" regulations, they adopted in the self-implementing rule a "one-size-fits-all" approach that does not allow for the consideration of site specific, risk-based factors.

   I appreciate that EPA has committed to reconsider elements of the rule.
   The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

   a. Can you provide an update on how this process is going?

2. **OAR** As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator "shall conduct continuing evaluation of potential loss or shifts in employment…"

   a. What are your plans for implementing this provision? What can you tell us about your timeline?

   b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?

3. **OAR** Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

   Congress has clearly stated its intent regarding this.

   a. What is the agency doing to address streamlining and improving the hardship petition process?

   Response: The EPA understands the importance of the RFS program to multiple stakeholders, including small refineries. As directed by Congress, the EPA consults with DOE in evaluating these petitions—we consider DOE's recommendations, along with other input and information, for each petitioning refinery and we aim to respond to each petition within 90 days of receiving all of the information necessary to conduct the evaluation. The EPA will continue to seek to improve its processes as it administers environmental regulations as Congress intended, and will work with stakeholders in achieving that goal.

4. **OLEM** Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress' recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or "coal ash" – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

a. Can we get some assurances from you that the agency will accelerate this process?

5. **OAR** The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

   Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?"

The Honorable Marsha Blackburn

1. **OAR** An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of $512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration's meritless and radical position.

   a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?

   b. What can we do as a legislative body to ensure future abuses such as these do not take place again?

   c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?

2. **OP/OGC** In accordance with the President's Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.

   a. What is the status of this review?

   b. What are your planned next steps?

c. What timeline do you envision for implementing the recommendations?

3. **OAR** On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS' impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

The Honorable Gregg Harper

1. **OLEM** Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?

2. **OW** In the 113th Congress, EPA was provided discretion over the allocation of approximately $12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker's companion bill was signed into law in 2015. I appreciate EPA's July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

The Honorable Bill Johnson

1. **OAR** As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and

employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, "NSR creates an unnecessary burden that discourages… investments in efficiency because of the additional expenditures and delays associated with the permitting process".

a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?

b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

The Honorable Kevin Cramer

1. **OAR** After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.

   a. Does the current statute have a specific requirements for corn-based ethanol until 2022?

      The statute does not have a specific requirement for corn-based ethanol before (or after) 2022.

   b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
      The statute does not specify a minimum volume of total renewable fuel after 2022.

   c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
      The CAA sets forth an extensive list of factors to be considered in setting standards after 2022.

2. **OAR** The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?

   The 15 billion gallon implied mandate for conventional renewable fuel is not a ceiling since

the standards under the RFS program do not limit the amount of ethanol that can be used. If there is demand for more than 15 billion gallons of ethanol and the market can supply it, more than 15 billion gallons will be used.

However, neither is the 15 billion gallon implied mandate for conventional renewable fuel a floor. If ethanol use falls below 15 billion gallons. the shortfall can be filled with other non-ethanol conventional or advanced renewable fuels, such as biodiesel and renewable diesel.

a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?

While the 15 billion gallon implied volume mandate is neither a ceiling nor floor, the RFS program includes flexibilities through waiver authorities to adjust the statutory volumes. The use of those waiver authorities could result in more than 15 billion gallons of corn-based ethanol.

3. **OAR** The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.

   a. Where does this proposal currently stand?

   b. Is the EPA planning to continue to finalize the REGS Rule?

Response: Since the REGS proposed rule comment period closed, my staff have been going through the many comments received, evaluating the various implementation options raised by the comments, and exploring options for resolving the complex issues associated with implementing the electric pathway. We continue to work towards a final decision on these important issues.

4. **OAR** A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.

   a. Can automakers now certify their engines on these fuels?

   b. If not, why not? If so, what is the process?

Response: [PM – can you take a stab at something here? It can just be one paragraph to respond to both a & b]

<u>The Honorable Tim Walberg</u>

1. **OLEM** Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.

a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?

2. **OCSPP** At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?

3. **OW** The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?

4. **OAR** In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

The Honorable Buddy Carter

1. **OAR** The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.

   Response: EPA is working to develop a proposed rule to revisit the trailer provisions of the the Phase 2 Rule for Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles.

2. **OLEM** Which recommendations from the Super Fund Task Force have been implemented?

3. **OLEM** The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?

4. **OLEM** In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?

5. **OLEM** This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

The Honorable Michael Burgess

1. **OGC/OECA** In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?

2. **OP** Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?

3. **OLEM/OECA/OGC** I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?

4. **OP** EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?

    a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?

    b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?

    c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?

    d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?

    e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

The Honorable Frank Pallone

Superfund:

OLEM During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites,

meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

Environmental Justice:

OP/OLEM Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

OP/OLEM Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?

4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.

5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

OP/OGC Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?

7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?

8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?

9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?

10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

Management of Toxic Pesticides:

11. **OCSPP** Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal Regulatory Toxicology and Pharmacology, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?

12. **OCSPP** Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?

13. **OCSPP** In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO[1] that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.[2] Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.

14. **OCSPP** EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

Transparency:

OP/OGC Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the public should be "fully aware of [top officials'] contacts with interested persons." In the intervening decades, Administrators serving under both Democratic and Republican Administrations have

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[1] U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

[2] Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) (http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html)

upheld this practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials.
EPA has recently provided the public with a "summary" of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?

16. Will you commit to directing your senior officials to release their calendars on a regular basis?

OGC We are also concerned about delays in EPA's response to FOIA requests under your administration. EPA's failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA's failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?

18. Do you this it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?

19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?

20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?

21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?

22. Given EPA's large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.

23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

OGC It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in

meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?

25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

Contract with Definers Public Affairs:

OPA/OGC On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."[3] The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA's selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?

28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?

29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?

30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

[3] EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.[4] EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.

32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?

33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

Enforcement:

OECA As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?

35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?

36. Have you been asked by anyone in industry to change EPA's enforcement policies?

37. If so, please describe those conversations.

38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

Co-Benefits of Air Rules:

OAR You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?
40. Why or why not?

[4] Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

41. Are you planning to seek legal review of this matter?

42. Are you planning to try to change the way co-benefits, like PM2.5, are counted or considered in EPA rulemakings?

43. If so, why and what evidence do you have to support such a change?

Ozone:

OAR For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to "information that has not been provided by the states."

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?

45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.

46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.

47. The Unified Regulatory Agenda included a reference to using "additional time afforded by the designations extension to finalize necessary guidance" related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.

    a. Can you clarify what "extension" this refers to in the Unified Agenda?

    b. Why would EPA need an extension to issue remaining designations?

48. When can we expect EPA to issue the remaining designations?

49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

Climate Change:

50. **OAR** Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the "best system of emission reduction" for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

OAR At the hearing you questioned the integrity of the rulemaking that led up to EPA's December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit's decision?

OAR You recently stated that you intend to move forward imminently with a so-called "red team" exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration's Global Change Research Program released a "Climate Science Special Report" confirming that human activities are "the dominant cause" of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the "red team" exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

Budget:

OCFO It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are "vulnerable," "entitlement," "diversity," "transgender," "fetus," "evidence-based" and "science-based."

53. Is EPA also barred from using "vulnerable," "entitlement," "diversity," "transgender," "fetus," "evidence-based" or "science-based," in official budget documents?

54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

OCFO/OARM EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?
56. In what offices and programs have net reductions occurred?

57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.

58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?

59. In which programs and offices are reductions planned?

60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

The Honorable Paul Tonko

1. **Travel to Morocco**

OP On December 12, EPA issued a press release, "Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco." While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.

b. How does promoting U.S. LNG exports fit into your "Back to Basics" agenda?

c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?

d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.

e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

2. **Science at EPA**

ORD/OAR In the draft FY 2018-2022 EPA Strategic Plan, you have promised to "prioritize robust science." Under Objective 3.3 of the draft plan, you say that "EPA will identify, assess, conduct, and apply the best available science to address current and future environmental

hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions."

a. Do you commit to ensuring that the EPA's actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment (also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?

b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century… For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?

c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?

d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?

e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?

f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

3. **Advisors to the Administrator**

OP/OGC On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?

b. If not, what are the roles and responsibilities of Dr. Dourson?

c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?

d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

4. **Enforcement Actions and Monitoring**

OCFO On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

5. **Hudson River Superfund Site**

OLEM The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

6. **OIG**

OGC The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report:
"A second budget impediment occurred when the OIG submitted an FY 2019 request for $62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of $42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the $42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

7. **IRIS**

a. **ORD** How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?

b. **ORD** Will you commit to fully supporting the IRIS program?

The Honorable Diana DeGette

1. **OAR** Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states "the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children."

    a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
    b. What are the estimated costs of the health impact on children?

2. **OCSPP** During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.

    a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?

    b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?

    c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?

3. **OLEM** In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the "Chemical Disaster Rule") to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.

    a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First

responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?

4. **OW/OCSPP** The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
   a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?

   b. Will molybdenum be part of the Regulatory Determination 4 process going forward?

5. **OLEM** For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.

   a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for "immediate, intense action." Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?

   b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested "tens of millions of dollars" in the cleanup compared to less than $5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?

   c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is $1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA's long-term plan for the plant costs?

   d. What is the status of finding a permanent solution for the waste sludge from the

plant?

The Honorable Jerry McNerney

1. **OAR** At the December 7th hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

To: Sutton, Tia[sutton.tia@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
Cc: Scoville, Pat[Scoville.Pat@epa.gov]
From: Hengst, Benjamin
Sent: Mon 1/22/2018 8:18:31 PM
Subject: RE: Heads up! Due cob TODAY -- update for OMB meeting

Looks fine by me

From: Sutton, Tia
Sent: Monday, January 22, 2018 3:17 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Cc: Scoville, Pat <Scoville.Pat@epa.gov>
Subject: RE: Heads up! Due cob TODAY -- update for OMB meeting

Sorry – apparently I didn't hit save on the second file. Attaching a new version here. Sorry bout that.

From: Sutton, Tia
Sent: Monday, January 22, 2018 3:03 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Cc: Scoville, Pat <Scoville.Pat@epa.gov>
Subject: FW: Heads up! Due cob TODAY -- update for OMB meeting
Importance: High

Hey all,

This exercise is apparently due today. We don't have any actions (as far as I know) that are

Ex. 5 - Deliberative Process

Speak up if you see any glaring errors here, and I'll ship on over to Tom & Wanda by COB. Thanks!

-Tia

From: Eagles, Tom
Sent: Monday, January 22, 2018 12:44 PM
To: Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; VonDemHagen, Rebecca <VonDemHagen.Rebecca@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: Heads up! Due cob TODAY -- update for OMB meeting
Importance: High

NOTE: THIS IS DUE COB TODAY, MONDAY JANUARY 22

See Nicole's email below and update the attached files per her instructions. Also please update ADP Tracker to reflect any changes you make. Please send your responses to both me (Tom Eagles) and Wanda Farrar by cob today.

Begin forwarded message:

From: "Owens, Nicole" <Owens.Nicole@epa.gov>
Date: January 19, 2018 at 2:39:15 PM EST
To: "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Hofmann, Angela" <Hofmann.Angela@epa.gov>, "Smith, Peterj" <Smith.Peterj@epa.gov>, "Lousberg, Macara" <Lousberg.Macara@epa.gov>, "Evalenko, Sandy" <Evalenko.Sandy@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>,

"Nickerson, William" <Nickerson.William@epa.gov>, "Boyle, Kathryn" <Boyle.Kathryn@epa.gov>
Subject: in preparation for a meeting with OMB on upcoming actions

Hello –

EPA and OMB will begin having "quarterly" meetings on regulatory actions. The first of these meetings will take place next week. In order to prepare for the meeting we have prepared two documents, based on the information in ADP Tracker.

The first document provides information on actions that are expected to go to OMB between now and April 30, 2018. Please examine this list and make sure it is complete. If something needs to be added or removed, update the date in ADP Tracker. You'll notice that the document contains a "notes" column. This contains information about whether the action has a deadline, whether we would like expedited review, etc. If you need to add information to that column, please add it to the file and we'll make sure that information gets added to ADP Tracker.

The second list contains actions that are expected to be signed before April 30, 2018 for which we will be asking OMB for a non-significance determination. There may be some overlap between the lists. Unless there is a very good chance the action will actually be determined to be non-significant, it is probably a good idea to have the action appear on both lists. This may mean that you need to add an OMB review milestone in ADP Tracker. Let me know if that is the case and we can do that for you. If something is missing from this list, make sure the signature date falls within the time period and the proposed significance is "non-significant". OW, if you could help ensure that the regional general permit information is correct, we'd appreciate it.

Please ask that your staff make any necessary updates to ADP Tracker by COB Tuesday. If you or your staff have any questions, please let me know.

Thanks in advance for your help,

Nicole

To: Sutton, Tia[sutton.tia@epa.gov]; Scoville, Pat[Scoville.Pat@epa.gov]
From: Hengst, Benjamin
Sent: Mon 10/23/2017 4:48:15 PM
Subject: RE: OTAQ review & edits to Reg Agenda

Looking now

From: Sutton, Tia
Sent: Monday, October 23, 2017 12:35 PM
To: Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: OTAQ review & edits to Reg Agenda

Thanks! Do you want to send, or do you want me to? I know you're crazy busy with getting stuff from Chuck and Dallas too.

From: Scoville, Pat
Sent: Monday, October 23, 2017 12:29 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: OTAQ review & edits to Reg Agenda

Looks good, it's like we discussed Friday.. Thanks

From: Sutton, Tia
Sent: Monday, October 23, 2017 12:19 PM
To: Scoville, Pat <Scoville.Pat@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: OTAQ review & edits to Reg Agenda
Importance: High

Pat and Ben – here's a draft cover note for the Reg Agenda review. Let me know if you guys have any edits, or if you think this is good to send. The attached doc with our comments is also saved on X at: X:_X-drive (DC IO shared)\Reg process\Reg Plan & Agenda\Fall 2017 Reg Agenda & Reg Plan.

Attached are OTAQ's comment responses & edits to the Reg Agenda draft.

We have comments & title edits on pp. 16 & 18 in the tables. And there are edits to correct typos on the following pages (in the specific Reg Agenda entries): pp. 34-35 (incl. comment), p. 76, p. 108, and pp. 110-111.

Also per the comments in the attached, we should have the following items listed under the separate stages:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]
From: Hengst, Benjamin
Sent: Tue 8/15/2017 10:17:28 PM
Subject: Re: HD petition response letters

That sounds correct. Isabel should definitely flag this as she sees appropriate but we don't want active press (e.g. PRs).

Tia let's chat tomorrow about tiering. Ben

On Aug 15, 2017, at 4:09 PM, Birgfeld, Erin <Birgfeld.Erin@epa.gov> wrote:

HI Tia and Ben,

I just got off the phone with Isabel who wanted to know about comms for these letters. I told her (based on the email below) that the plan was to send the petitioners the responses, wait a week, and then post the letters to the website. As far as a statement we can pull from the letters themselves.

LMK if I should communicate something more or different.

Thanks,

Erin

From: Charmley, William
Sent: Tuesday, August 15, 2017 2:52 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: HD petition response letters

Ben –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Feel free to give me a call on this.

Thanks

Bill

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 1:48 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: HD petition response letters

Hi folks—

I spoke this morning with Mandy and Brittany about next steps on the two HD petition response letters (gliders and trailers). Here's what I know:

Ex. 5 - Deliberative Process

Thanks

Ben

To: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Tue 9/26/2017 9:09:49 PM
Subject: FW: Follow-up/Gliders

From: Grundler, Christopher
Sent: Tuesday, September 26, 2017 5:06 PM
To: Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 26, 2017 at 4:58:24 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>, "Gunasekara, Mandy"

<Gunasekara.Mandy@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
Subject: Fwd: Follow-up/Gliders

Ex. 5 - Deliberative Process

Please let me know what is possible.

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 25, 2017 at 4:03:45 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: Follow-up/Gliders

Hi Ryan (and Mandy)–

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

To: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/17/2017 5:48:30 PM
Subject: FW: Trailer and Glider response letters

From: Kataoka, Mark
Sent: Thursday, August 17, 2017 10:30 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: Trailer and Glider response letters

Erik,

Per Sue Chen and Eric Hostetler of DOJ-

Ex. 5 - Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: August 16, 2017 10:35 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: Re: Trailer and Glider response letters

Ex. 5 - Attorney Client; Attorney Work Product

Mark

Sent from my iPhone

On Aug 16, 2017, at 8:55 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Mark,

Ex. 5 - Attorney Client; Attorney Work Product

Erik

Sent from my iPhone

On Aug 16, 2017, at 5:43 PM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:

Trailer Litigation Update:

Ex. 5 - Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Gunasekara, Mandy
Sent: August 16, 2017 12:29 PM

To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

From: Schmidt, Lorie
Sent: Wednesday, August 16, 2017 11:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Mandy

Ex. 5 - Attorney Client; Attorney Work Product

Ex. 5 - Attorney Client; Attorney Work Product

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy
Sent: Wednesday, August 16, 2017 11:03 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

My edits are included in the attached.

Ben, that is a good plan of action. In order to ensure coordination with OCIR and OPA, shoot us a note when everything is ready to go and then wait for the final greenlight before hitting send.

Please let me know of any questions and/or concerns with included edits.

Best,

Mandy

From: Hengst, Benjamin
Sent: Wednesday, August 16, 2017 9:25 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

All: here's the current version of the glider letter in redline.

Mandy – please let me know if you are OK with this and we'll get a clean version down through OAR today.

Ex. 5 - Attorney Client

Thanks

Ben

From: Kataoka, Mark
Sent: Tuesday, August 15, 2017 5:24 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik

<baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

From: Kataoka, Mark
Sent: August 15, 2017 5:22 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: August 15, 2017 5:05 PM

To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: Glider response letter (revised draft), plus some other materials

Hi folks. Please respond with any further edits to the document to this email chain. For some reason Lee's personal email address keeps popping up and it seems easier just to remove it from this chain altogether. Thanks. Ben

On Aug 15, 2017, at 4:26 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Attached please find some suggested edits for your consideration.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsyvlania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 10:02 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; cookleila@ymail.com
Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Attorney Client

We'll move this letter once review has concluded. Thanks, Ben

<HD gliders intent to revisit 8.15.17 ecb.docx>

To: Leila Cook[Cook.Leila@epa.gov]
From: Hengst, Benjamin
Sent: Tue 8/15/2017 2:12:56 PM
Subject: FW: Glider response letter (revised draft), plus some other materials
HD gliders intent to revisit 8.15.17.docx
Fitzgerald et al petition for reconsideration of EPA's glider kit regula....pdf
Heavy-duty Phase 2 NPRM and FRM discussion of EPA authority to regulate ....pdf

Still trying to fix this. This should go to your work address. Pls confirm

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 10:02 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; cookleila@ymail.com <Cook.Leila@epa.gov>
Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

We'll move this letter once review has concluded. Thanks, Ben

To: Orlin, David[Orlin.David@epa.gov]
From: Hengst, Benjamin
Sent: Thur 9/21/2017 7:14:08 PM
Subject: Re: Heads up re 9:30 meeting on Friday

Yes. **Ex. 5 - Deliberative Process; Attorney Client**

Ex. 5 - Deliberative Process; Attorney Client

On Sep 21, 2017, at 3:11 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Fyi. Anything else I need to know before the meeting?

Begin forwarded message:

From: "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>
Date: September 21, 2017 at 2:36:54 PM EDT
To: "Baptist, Erik" <baptist.erik@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: Heads up re 9:30 meeting on Friday

Erik

Just a heads up that you (and we) are invited to a meeting with OAR and Mandy on

Ex. 5 - Attorney Client; Attorney Work Product

Ex. 5 - Attorney Client; Attorney Work Product

Please let us know if you would like more info prior to the briefing. (Us would be Mark Kataoka, David Orlin (who's out today) or me.)

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

To: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/3/2017 12:19:29 AM
Subject: Re:

thank you SO MUCH for that instruction on 'threading.' it's been driving me crazy. but maybe I'm not a grumpy old anti-tech man?

Ex. 5 - Deliberative Process; Attorney Client

Ben

From: Sutton, Tia
Sent: Wednesday, August 2, 2017 8:03:16 PM
To: Hengst, Benjamin
Subject:

Now that I'm seeing/thinking clearly again, the schedule i sent last night is for a glider rule. **Not Responsive**

Not Responsive

Also, totally random, here's how to fix the stupid issue of not being able to open/forward/find emails:
- go to "Settings"
- scroll down to "Mail"
- scroll down to the "Threading" section; make sure the "Organize by Thread" option is turned off

Sent from my iPhone

To: Sutton, Tia[sutton.tia@epa.gov]; Meekins, Tanya[Meekins.Tanya@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/24/2017 3:35:13 PM
Subject: RE: Updated updated response to Blum/Young letter (AL-17-001-1283)
AL-17-001-1283 Resp Ltr v3.docx

I reworked this a bit. Tanya, can you please use the attached text (I only made edits to the first letter, but that can be copied to the second).

Thanks

Ben

From: Sutton, Tia
Sent: Wednesday, August 23, 2017 5:58 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: RE: Updated updated response to Blum/Young letter (AL-17-001-1283)

Sorry – made a few more tweaks, use this version instead if you review electronically (this is the version that I printed and put in the folder).

From: Sutton, Tia
Sent: Wednesday, August 23, 2017 5:44 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: Updated response to Blum/Young letter (AL-17-001-1283)

Ben,

Here's an updated response to the Blum/Young letter on HD. I added the statement from Chuck (minus the sentence on timing because the Congressmen didn't ask about that, but happy to add back in if you think it should be there).

I did have one question about the docket - we did put their letters in the Reg Reform docket, so the letter currently references that. However, we do also plan to put this in the HD docket once we reopen it for the glider & trailer actions, so just wondering if we should instead reference that docket (or both)?

I will put the folder with this revised version on your chair, for your reading pleasure. I also left you another present that I think you'll enjoy.

Thanks!

-Tia

To: Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/24/2017 2:38:59 AM
Subject: Re: Transport Topics (ddl Wed COB): HD2

Sorry I'm late on this. I think this is fine.

On Aug 23, 2017, at 5:41 PM, Birgfeld, Erin <Birgfeld.Erin@epa.gov> wrote:

Thanks David!

Ex. 5 - Deliberative Process; Attorney Client

Regarding the press release, "EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules"

Timing. What do you estimate as the time frame for this? Is the idea to take public comment as initial guidance . . . write a proposed rule . . . take public comment on the proposal . . . write a final rule, which usually doesn't take effect immediately? Is this about a two-to-four-year process? Some other length of time?

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

What happens in the mean time? Does the current final rule remain in effect for trailers and glider kits? Is the idea to proceed with the current final rule, but then change it over time with the new rulemaking process? (Perhaps several years from now?) How will EPA proceed on this?

Ex. 5 - Deliberative Process; Attorney Client

Trucks & Engines? They are not mentioned in Administrator Pruitt's statement of 8/17/17. Does that mean there will be no further review of them and they're set, or should we expect to hear more on them soon?

Ex. 5 - Deliberative Process; Attorney Client

Law suit. EPA and NHTSA are currently party to a legal proceeding on this rule before the U.S. Court of Appeals, D.C. Circuit. Specifically, on trailers and race cars, but not glider kits. What happens with respect to the lawsuit because of this? What will EPA & NHTSA ask the Court to do on this issue?

Ex. 5 - Deliberative Process; Attorney Client

Reaction. There has already been some reaction to the statement based on the notion that while removing the trailer and glider sections might be a good idea, it opens the door to several levels of regulation, from the Calif. Air Resources Board for Calif., maybe other states, and then U.S. EPA. Manufacturers and fleets have said that multiple rules on the same topic is anathema because trucks and trailers travel a lot. How will the rule address this? Will the rule address this.

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David
Sent: Tuesday, August 22, 2017 6:22 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Transport Topics (ddl Wed COB): HD2

Hi Erin,

I went ahead and put the responses in a word doc with some suggestions. Hope they are helpful.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Birgfeld, Erin
Sent: Tuesday, August 22, 2017 5:01 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Transport Topics (ddl Wed COB): HD2

HI David,

Hope you had a great vacation.

Here are a number of mostly legal questions from Transport topics on the HD petition responses. Can you or one of your colleagues help with this? I've drafted potential responses in red. Ben, please weigh in if you think Bill or others should review as well.

Thanks,

Erin

Reporter: Jonathan Reiskin
Outlet: Transport Topics

DDL: tbd

Request

Regarding the press release, "EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules"

Timing. What do you estimate as the time frame for this? Is the idea to take public comment as initial guidance . . . write a proposed rule . . . take public comment on the proposal . . . write a final rule, which usually doesn't take effect immediately? Is this about a two-to-four-year process? Some other length of time?

Ex. 5 - Deliberative Process; Attorney Client

What happens in the mean time? Does the current final rule remain in effect for trailers and glider kits? Is the idea to proceed with the current final rule, but then change it over time with the new rulemaking process? (Perhaps several years from now?) How will EPA proceed on this?

Ex. 5 - Deliberative Process; Attorney Client

Trucks & Engines? They are not mentioned in Administrator Pruitt's statement of 8/17/17. Does that mean there will be no further review of them and they're set, or should we expect to hear more on them soon?

Ex. 5 - Deliberative Process; Attorney Client

Law suit. EPA and NHTSA are currently party to a legal proceeding on this rule before the U.S. Court of Appeals, D.C. Circuit. Specifically, on trailers and race cars, but not glider kits. What happens with respect to the lawsuit because of this? What will EPA & NHTSA ask the Court to do on this issue?

Ex. 5 - Deliberative Process; Attorney Client

Reaction. There has already been some reaction to the statement based on the notion that while removing the trailer and glider sections might be a good idea, it opens the door to several levels of regulation, from the Calif. Air Resources Board for Calif., maybe other states, and then U.S. EPA. Manufacturers and fleets have said that multiple rules on the same topic is anathema because trucks and trailers travel a lot. How will the rule address this? Will the rule address this.

Ex. 5 - Deliberative Process; Attorney Client

From: StClair, Christie
Sent: Tuesday, August 22, 2017 3:25 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>
Subject: RE: Transport Topics (ddl tbd): HD2

Last note. Sorry. Reporter's hard deadline is end of day tomorrow. He'd like whatever we can send him by that time, even if we can't address all of his questions.

Christie

From: StClair, Christie
Sent: Tuesday, August 22, 2017 3:24 PM
To: Erin Birgfeld <Birgfeld.Erin@epa.gov>; Chris Mylan (mylan.christopher@epa.gov) <mylan.christopher@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>
Subject: RE: Transport Topics (ddl tbd): HD2

FYI – Amy Graham suggests using her statement from last week as a starting point:

"The EPA is charged with setting nationally applicable standards. The actions yesterday announce intent to revisit certain provisions of the heavy duty rule. California, industry partners, and other stakeholders will all have an opportunity to provide input and we look forward to their comments." – Amy Graham, EPA spokesperson

From: StClair, Christie
Sent: Tuesday, August 22, 2017 3:20 PM
To: Erin Birgfeld <Birgfeld.Erin@epa.gov>; Chris Mylan (mylan.christopher@epa.gov) <mylan.christopher@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>
Subject: Transport Topics (ddl tbd): HD2

I'm checking on his deadline, but told him it will take a few days to pull this together. Thanks in advance! - Christie

Reporter: Jonathan Reiskin
Outlet: Transport Topics

DDL: tbd

Request

Regarding the press release, "EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules"

Timing. What do you estimate as the time frame for this? Is the idea to take public comment as initial guidance . . . write a proposed rule . . . take public comment on the proposal . . . write a final rule, which usually doesn't take effect immediately? Is this about a two-to-four-year process? Some other length of time?

What happens in the mean time? Does the current final rule remain in effect for trailers and glider kits? Is the idea to proceed with the current final rule, but then change it over time with the new rulemaking process? (Perhaps several years from now?) How will EPA proceed on this?

Trucks & Engines? They are not mentioned in Administrator Pruitt's statement of 8/17/17. Does that mean there will be no further review of them and they're set, or should we expect to hear more on them soon?

Law suit. EPA and NHTSA are currently party to a legal proceeding on this rule before the U.S. Court of Appeals, D.C. Circuit. Specifically, on trailers and race cars, but not glider kits. What happens with respect to the lawsuit because of this? What will EPA & NHTSA ask the Court to do on this issue?

Reaction. There has already been some reaction to the statement based on the notion that while removing the trailer and glider sections might be a good idea, it opens the door to several levels of regulation, from the Calif. Air Resources Board for Calif., maybe other states, and then U.S. EPA. Manufacturers and fleets have said that multiple rules on the same topic is anathema because trucks and trailers travel a lot. How will the rule address this? Will the rule address this.

To: Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Hengst, Benjamin
Sent: Wed 8/2/2017 9:29:53 PM
Subject: Fwd: OTAQ: Petitions on the Heavy duty fuel economy reg story - DDL is 5 pm

FYI.

Begin forwarded message:

From: "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Date: August 2, 2017 at 4:54:05 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Mylan, Christopher" <Mylan.Christopher@epa.gov>
Subject: FW: OTAQ: Petitions on the Heavy duty fuel economy reg story - DDL is 5 pm

Hi Ben,

E &E is doing a story for tomorrow and has the following request:

"I'm working on a story today about the requests by the glider kits and truck trailer folks regarding the heavy duty fuel economy rules. My deadline is 5 pm and I'm hoping you might help me out with some questions.

What is EPA doing with the petitions and lawsuits by these sub industry groups? Is it considering exempting them from the standards?

Has EPA met with these groups?

Can you help me get a copy of the June 26 "petition for a reconsideration and stay" filed by the Truck Trailer Manufacturer Association?

I suggest we respond with something like this and let the politicals edit as appropriate.

"We are reviewing the petitions for reconsideration for the Phase 2 Rule and will announce any EPA decisions on these petition when they are final."

I'll also send them to our website for the petitions themselves.
https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel

Sound OK?

-Erin

From: Daguillard, Robert
Sent: Wednesday, August 02, 2017 4:02 PM
To: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: OTAQ: Heavy duty fuel economy reg story

Another inquiry. Fairly tight deadline – early tomorrow hard DDL – and I apologize for not sending earlier. Should we say anything aside from "we don't comment on pending litigation?"

From: Camille von Kaenel
Sent: Wednesday, August 02, 2017 1:33 PM
To: Christie St. Clair (stclair.christie@epa.gov) <stclair.christie@epa.gov>
Subject: Heavy duty fuel economy reg story

Hi Christie,

I'm working on a story today about the requests by the glider kits and truck trailer folks regarding the heavy duty fuel economy rules. My deadline is 5 pm and I'm hoping you might help me out with some questions.

What is EPA doing with the petitions and lawsuits by these sub industry groups? Is it considering exempting them from the standards?

Has EPA met with these groups?

Can you help me get a copy of the June 26 "petition for a reconsideration and stay" filed by the Truck Trailer Manufacturer Association?

Many thanks!

Camille

Camille von Kaenel

E&E News transportation reporter

E&E NEWS

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To: Grundler, Christopher[grundler.christopher@epa.gov]; Sarah Dunham[Dunham.Sarah@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]
From: Hengst, Benjamin
Sent: Mon 8/21/2017 1:18:33 PM
Subject: My update on recent OTAQ actions
8.21 OTAQ summary.docx

Good morning. Chris, I wanted to provide an update on recent items, and there was enough that I decided to put it down on paper for you. These are just informal notes—I didn't ask Bill or Lee to review—so apologies if I missed anything or what I included is unclear.

I'm copying Sarah (even though she's on vacation!) because much of what I write revolves around exchanges I had with the political management team, and she asked that we continue to keep her cc'd on such exchanges. I tried to do that last week, so much of this summary should be familiar to you. However, there were a few meetings that I summarized in the attached that wouldn't show up in any email exchanges, so I provided the summaries here.

Thanks

Ben

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Karl Simon[Simon.Karl@epa.gov]; William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/10/2017 7:03:49 PM
Subject: Materials
FRN Request for Comment on MTE Reconsideration_8.10.2017.docx
Trailer Reconsideration Update - August 10 2017 v final.pptx
Glider Reconsideration Update v final 8.11.17.pptx

Chris—attached (per your request, because normally I wouldn't send you this while you are drinking G&Ts and watching sunsets and whatnot) are some recent materials.

Not Responsive

2. Final glider slides for use tomorrow.

Not Responsive; Ex. 5 - Deliberative Process

Ben

To: Sarah Dunham[Dunham.Sarah@epa.gov]
Cc: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]
From: Hengst, Benjamin
Sent: Mon 8/7/2017 8:05:30 PM
Subject: HD topics

Not Responsive

Ex. 5 - Attorney Client

Not Responsive

Glider Petition interim Response v3.docx

Hi Sarah:

On Wednesday, we have a pre-brief with you in which we will cover two slide decks: one on Not Responsive Not Responsive and the other on HD glider kits. We'll get those slides to you either on Tuesday or Wednesday (they may be a bit late, since Bill comes back from his vacation tomorrow but will likely want to review). The briefings with Mandy et al are scheduled for Thursday and Friday.

On a related note: we have been asked by the political team for four documents related to these two issues.

Not Responsive

2. An interim response letter to the glider petitioners (requested by Mandy at that same meeting)

Not Responsive

Ex. 5 - Attorney Client

I spoke with Chris last Friday, and he and I both think it would be helpful to send a note to the political team – perhaps tonight or tomorrow – sharing all 4 documents (with Mandy, Samantha, Brittany, and Erik). I think it would be useful to have them in their hands a few days prior to the

briefings on Thursday and Friday.

Please let me know what you think. If you are OK with sending, please feel free to forward, or let me know if you want me to. All four are still in draft form, but hopefully they are getting close to being done.

Ben

To: Grundler, Christopher[grundler.christopher@epa.gov]; William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Karl Simon[Simon.Karl@epa.gov]; Cook, Leila[cook.leila@epa.gov]
From: Hengst, Benjamin
Sent: Mon 10/16/2017 6:00:57 PM
Subject: A few items of note from Mandy

Chris, Bill:

I'm scrambling to make a meeting, but a few quick hits from a call I just had with Josh:

Not Responsive

Ex. 5 - Deliberative Process; Attorney Client

Not Responsive

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Sarah Dunham[Dunham.Sarah@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Josh Lewis[Lewis.Josh@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]
From: Hengst, Benjamin
Sent: Tue 8/22/2017 2:59:38 PM
Subject: A second "impact statement"
FY18 Impact Statement - Gliders - 8.22.17 v2.docx

Hi Mandy—

Following our exchange on **Not Responsive** I asked my team to send me any other statements that might be circulating. The only other transportation-related one we have, as far as I know, is on gliders.

I'm not sure if you've seen this already, but I made some edits, had OGC and others re-review it, and am attaching it here. I have been told that this has not been sent outside EPA yet.

Ex. 5 - Deliberative Process; Attorney Client

If you are OK with this, I'll send it back through our normal channels (where it eventually goes to OCFO).

Thanks

Ben

To: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Fri 12/2/2016 6:57:01 PM
Subject: RE: Edits to Rep Black letter

Ex. 6 - Personal Privacy

From: Sutton, Tia
Sent: Friday, December 02, 2016 1:56 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Edits to Rep Black letter

Ex. 6 - Personal Privacy

From: Hengst, Benjamin
Sent: Friday, December 02, 2016 1:53 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Edits to Rep Black letter

sure

From: Sutton, Tia
Sent: Friday, December 02, 2016 1:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Edits to Rep Black letter

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Heroy-Rogalski, Kim@ARB[kim.heroy-rogalski@arb.ca.gov]; Nelson, Brian[nelson.brian@epa.gov]
Cc: Lemieux, Stephan@ARB[stephan.lemieux@arb.ca.gov]; Sanchez, James[sanchez.james@epa.gov]
From: Hawelti, Daniel@ARB
Sent: Mon 12/11/2017 4:11:47 PM
Subject: RE: Requesting follow-up Steve Cliff testimony at 12/4/2017 Glider Rule Hearing in Washington D.C.

Hi Brian,

Is there a deadline on when we can upload CARB's testing results on gliders to the docket? The reason I am asking is, as Kim mentioned the results are in the form of slides prepared for internal purposes. We want to add some discussion of the testing. But the staff person responsible for the testing is in the field this week and he will not be able to prepare it. The manager of the section asked of when we need it. That is why I am asking when is the last date to upload it to the docket. I am aware of the Jan 5 deadline to submit comments.

Thanks.

From: Heroy-Rogalski, Kim@ARB
Sent: Wednesday, December 6, 2017 6:14 AM
To: Nelson, Brian <nelson.brian@epa.gov>; Hawelti, Daniel@ARB <daniel.hawelti@arb.ca.gov>
Cc: Lemieux, Stephan@ARB <stephan.lemieux@arb.ca.gov>; sanchez.james@epa.gov
Subject: RE: Requesting follow-up Steve Cliff testimony at 12/4/2017 Glider Rule Hearing in Washington D.C.

Brian, we're happy to provide this, but I want to talk internally re the best way to provide it before we send it to ou. Right now we have powerpoint slides summarizing the testing and results, but I'm not sure that's the most effective format to send in. So you know, we are also working on a complete set of CARB written comments, and we plan to include the data in those written comments.

When Matt was in your position, we were doing periodic meetings, once every two weeks to keep CARB and USEPA coordinated on heavy-duty related work, research and rulemakings (Phase 2, low NOx, etc.). Since Matt left, we have been continuing those disucssions with James Sanchez and Cay Yanca. Would you like to join those meetings? The next one is today, in fact. Ill forward the appointment to you. (It may already be on your calendar.)

Looking forward to working with you,

-Kim

Kim A. Heroy-Rogalski, P.E.

Chief

Mobile Source Regulatory Development Branch

(916) 327-2200

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From: Nelson, Brian [nelson.brian@epa.gov]
Sent: Wednesday, December 06, 2017 4:41 AM
To: Hawelti, Daniel@ARB
Cc: Heroy-Rogalski, Kim@ARB
Subject: Requesting follow-up Steve Cliff testimony at 12/4/2017 Glider Rule Hearing in Washington D.C.

Mr. Hawelti,

Steve Cliff provided testimony on behalf of CARB at yesterday's public hearing regarding proposed changes to the provisions for 'gliders' in the HD GHG Phase 2 Rulemaking, and in his testimony, he mentioned that CARB had conducted its own testing on a glider vehicle, and that the results of that testing correlated well with the two gliders that EPA had tested. If you can provide me with a copy of a report/summary of CARB's testing of this glider vehicle, I would like to upload a copy of it to the public docket for the proposed rescission of the glider provision.

Also, I'm looking forward to working with you and other CARB staff in the near future, as my new role as Director of the Heavy-Duty Onroad & Nonroad Center brings be back into the emissions rulemaking arena after 5 years as a manager in our laboratory's engine/vehicle testing division.

If you have any questions about my request for the glider test report that Steve Cliff referenced in his testimony, please let me know.

Regards,

- -

Brian J. Nelson
Director, Heavy-Duty Onroad & Nonroad Center
U.S. Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4278
nelson.brian@epa.gov

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